

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.16322 OF 2024

Maharashtra Aoudougik Viks
Mahamandal & Ors.

....Petitioners

V/S

Sanjay Shankarrao Ban

....Respondent

Mr. Kunal Damle with Mr. Iraa Dube Patil i/b M/s. Jay & Co. *for
the Petitioners.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 09 DECEMBER 2024.**

P.C.:

1. Heard the learned counsel appearing for the Petitioner.
2. Issue notice to the Respondents, returnable on **28 January 2025**. In addition to Court notice, Petitioner is permitted to serve the Respondent by private notice and file Affidavit-of-Service before the next date of hearing.
- 3 *Prima facie* it appears that the Respondent-employee was appointed by order dated 5 March 2014 and as per clause 1.09 of his appointment order, he was placed on probation for a period of two years. The alleged incident has occurred during the period of probation of the employee. The services of the Respondent are

terminated by order dated 1 March 2016 on the ground of failure to satisfactorily complete the period of probation. *Prima facie*, therefore it becomes difficult to conclude at this stage as to whether any enquiry was necessary for discharging services of a probationer. In that view of the matter, the recast issue No.1 about Petitioner proving the misconduct to the satisfaction of the Labour Court appears to be erroneous. Therefore, till the next date of hearing, the order dated 10 June 2024 shall remain stayed.

(SANDEEP V. MARNE, J.)

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