



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 5584 of 2011

Utpanna Bazar Samiti, Khamgaon, through Secretary, Khamgaon, Distt. Buldana and anr. **Vs.**
Isakkhan Yasinkhan and ors.]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. G. Kavimandan with Mr. M. R. Deshpande, Advocates for the
petitioners
Mr. H. D. Futane, AGP for respondent nos. 2 to 4

CORAM : ANIL L. PANSARE J.

DATED : 29-11-2024

On 27-11-2024, following order was passed.

“Having heard both sides and having gone through the record, it appears that the petitioner – employer has terminated the services of respondent no.1 on the ground that he abandoned the services. The petitioner, however, has not issued notice to him nor is any enquiry made.

2] The Labour Court, by relying upon the judgment in the case of Shri Mahamadsha Ganishah Patel Vs. Mastanbaug Consumers’ Co.op. Wholesale & Retail Stores Ltd. & Anr. [1997(3) ALL MR 719], has held that the employer must give notice to employee to return to duty and further that order of termination cannot be passed without holding enquiry into abandonment of service.

3] The learned Counsel for the petitioners failed to show that any notice was given to respondent no.1 or enquiry was made before terminating his services and, therefore, I am not inclined to interfere with the impugned order.

4] At this stage, the learned Counsel for the petitioners seeks time to verify whether notice was given to respondent no.1 and enquiry was made.

5] Stand over to 29/11/2024.”

2. Mr. Kavimandan, learned counsel for the petitioners fairly submits that he could not find that notice was given to respondent no. 1 and enquiry was made before terminating his services.

3. In view of the above, writ petition is dismissed in terms of order dated 27-11-2024 with no order as to costs.

(Anil L. Pansare, J.)

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