



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

916 WRIT PETITION NO. 6040 OF 2021

THE MUNICIPAL COUNCIL OMERGA THROUGH ITS CHIEF OFFICER

VERSUS

MOHAN HUSENI SURVASE

Mr. K.J. Ghute Patil, Advocate for the petitioner.

Mr. R.G. Shirsat, Advocate for sole respondent.

CORAM : KISHORE C. SANT, J.

DATE : 23.04.2025

PC :-

01. Heard learned Advocates for the parties. The petitioner-Municipal Council has approached this Court challenging judgment and order passed by the learned Member, Industrial Court, Latur dated 13.09.2019. By way of the impugned order, the revision application of the petitioner came to be rejected. The order under challenge in the revision was passed by the learned Judge, Labour Court, Latur dated 18.02.2019, allowing complaint of the respondent-workman. The dismissal order dated 02.07.2012 came to be quashed and set aside. The petitioner was directed to pay all the retiral benefits to which the respondent/original complainant was held entitled to.

02. Learned Advocate for the petitioner vehemently argued the writ petition. He submits that both the Courts have erred in holding in favour of the respondent. The respondent's services were terminated because of serious acts of misconduct committed by him. There are total 20 instances quoted of misconduct. The Courts, however, ignored this

material aspect and passed the impugned order. He prays for setting aside impugned order by allowing the writ petition.

03. Learned Advocate for the respondents supports the order. He submits that before dismissing the service of the respondent, no notice was given to him. He submits that this basic aspect is considered by both the Courts and both the Courts have held rightly in favour of the respondent.

04. After hearing the parties and on going through the judgments, this Court finds that both the Courts have recorded that no show-cause notice was given to the respondents prior to taking action of dismissal. Considering the findings of the fact recorded by both the Courts and since there is nothing on record to show that the finding arrived at is erroneous or without any material on record. This Court does not find any merit in the writ petition. This writ petition is dismissed with no order as to costs.

[KISHORE C. SANT, J.]