



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.452/2025

Gopal Bhavarilal Baheti .Vs. Executive Officer, The Akola District Central Cooperative Bank Ltd. Akola.

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

Court's or Judge's orders

Mr. P. N. Varma, Advocate for petitioner.
Mr. V. P. Marpakwar, Advocate for respondent.

CORAM : ANIL L. PANSARE, J.

DATE : JUNE 23, 2025

On 17.03.2025, following order was passed.

“The learned Counsel for the petitioner submits that the petitioner was working as Clerk with the respondent – Bank. His services have been terminated with effect from 1/7/2020. He approached Conciliation Officer. The conciliation, however, failed, and the matter was referred to the Labour Court in terms of Section 2A of the Industrial Disputes Act, 1947. The Labour Court tried two preliminary issues. One is, whether the petitioner prove that the enquiry conducted by the respondent is not fair and proper, and another is, whether he prove that the finding of the enquiry officer is perverse. The Labour Court rendered finding against the petitioner and, therefore, the petitioner is before this Court.

2] *The learned Counsel for the petitioner has invited my attention to the enquiry report, which runs into 16 pages. He submits that the enquiry officer, in these 16 pages, has only put forth facts, arguments and evidence led before him. Thereafter, in one line, he has rendered finding in following words :*

“From all the above, I have come to the conclusion that the allegations in chargesheet against the accused employee are fully proved.”

As could be seen, there is absolutely no reason assigned to arrive at conclusion that the charges against the petitioner stands proved.

3] *The Hon'ble Apex Court in the case of Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota Vs. Shukla and Brothers, [(2010) 4 SCC 785], highlighting importance of reasoned order/judgment, held in following terms :*

“27. By practice adopted in all courts and by virtue of judge-made law, the concept of reasoned judgment has become an indispensable part of basic rule of law and, in fact, is a mandatory requirement of the procedural law. Clarity of thoughts leads to clarity of vision and proper reasoning is the foundation of a just and fair decision. In Alexander Machinery (Dudley) Ltd. there are apt observations in this regard to say “failure to give reasons amounts to denial of justice”. Reasons are the real live links to the administration of justice. With respect we will contribute to this view. There is a rationale, logic and purpose behind a reasoned judgment. A reasoned judgment is primarily written to clarify own thoughts; communicate the reasons for the decision to the concerned and to provide and ensure that such reasons can be appropriately considered by the appellate/higher court. Absence of reasons thus would lead to frustrate the very object stated hereinabove.”

Thus, the Hon'ble Apex Court has, in so many words, explained the importance of reasoned order/judgment. The Apex Court proceeds to observe that failure to give reasons amounts to denial of justice and assigning reasons is a basic rule of law and is a mandatory requirement of procedural law.

4] *The argument that the finding rendered by the enquiry officer is perverse, will have to be examined on the touchstone of the aforesaid judgment.*

5] *Issue notice to the respondent returnable on 21/4/2025.*

6] *In the meantime, there shall be stay to the proceedings being Reference I.D.A. No. 3/2024 pending before the Labour Court, Akola.”*

2. Thus, the inquiry officer has not assigned any reason as to why and on what basis he found that the allegations in the charge-sheet against the petitioner were proved.

3. These findings were tested before the Labour Court in reference IDA No.3/2024. The Labour Court, while dealing with preliminary issue, noted that reasonable opportunity was given to the petitioner during the course of inquiry and thus, the inquiry conducted was fair and proper and also in accordance with the principles of natural justice. However, while dealing with the finding of the inquiry officer, the Labour Court has not assigned any reason. The entire focus of the Labour Court appears to be on the manner in which the inquiry was conducted. The Labour Court noted that the documents were furnished to the petitioner. He was given opportunity to lead evidence and, therefore, inquiry is fair and proper. However, the Labour Court has not assigned any reason as to how is the finding of inquiry officer legitimate.

4. As mentioned in order dated 17.03.2025, the inquiry officer has, after recording the facts, arguments and evidence, jumped to the conclusion that the allegations against the petitioner stood fully proved. The inquiry officer has not dealt with the facts, the arguments and the evidence to substantiate the said finding. Despite such status, the Labour Court has rendered a finding that inquiry officer's finding are not perverse.

5. As such, learned counsel for the respondent made an attempt to justify the order passed by the Labour Court, however, he failed to point out that the Court has assigned any reason in support of the finding. The impugned order is, thus, apparently perverse.

6. The writ petition is accordingly partly allowed. Order dated 11.11.2024 passed by Labour Court, Akola in Reference I.D.A. No.3/2024 is quashed and set aside. Reference I.D.A. No.3/2024 is

remanded back to the Labour Court, Akola, for consideration afresh, in accordance with law and in the light of what has been noted in the body of order. Needless to say, if the Labour Court comes to the conclusion that the inquiry conducted by the inquiry officer was perverse, the respondent-employer shall have an opportunity to prove the misconduct by leading evidence in terms of settled principles of law.

The writ petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)

Kahale