



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

WRIT PETITION NO. 570 OF 2019

Vidarbha Co-operative Marketing Society, Nagpur
Vs.
Wasudeo Anandrao Somkuwar

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.S. Ghate, Advocate for petitioner.
Mr. M.R. Joharapurkar, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 03.11.2025

Heard learned counsel for the respective parties.

2. The petitioner assails the order dated 04.01.2019 passed by the learned Industrial Court in Revision ULP No.138/2012, whereby the revision filed by the respondent was allowed.

3. The learned Industrial Court set aside the order dated 30.11.2010 to the extent of perversity of findings, as well as the order dated 24.04.2012 passed by the learned Labour Court and remanded the matter back to the trial Court for fresh decision on perversity of findings.

4. Learned counsel for the petitioner submits that the case pertains to misappropriation of funds and insubordination. The respondent herein was found guilty of misappropriation, resulting in termination of his services after holding the departmental enquiry and the same was assailed by the respondent by filing complaint before the learned Labour Court.

The learned Labour Court vide its order dated 30.11.2010 held that the enquiry conducted against the respondent was fair and proper and finding of the enquiry officer are not perverse and that order was not assailed by respondent and attained the finality.

5. Without referring the further proceedings, this can be revealed that in order dated 04.01.2019, the learned Industrial Court set aside the order on preliminary issue dated 30.11.2010 to the extent of perversity of findings. Infact such observations in the order itself is contrary to the order passed by this Court in Writ Petition No.6202/2011.

6. This Court in Writ Petition No.6202/2011 had specifically held that the learned Labour Court shall decide the complaint expeditiously but without touching the preliminary issues in regard to the fairness of enquiry and perversity of findings, as they are decided by order

dated 30.11.2010. Therefore, once this Court had concluded that the preliminary issue was already adjudicated, there was no reason for the learned Industrial Court to set aside the said order.

7. Thus, the learned Industrial Court has committed an apparent error. In view thereof, the writ petition is allowed in terms of prayer clause (i).

(SIDDHESHWAR S. THOMBRE, J.)