



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6321 OF 2026

Maharashtra State Electricity
Distribution Company Ltd.

...Petitioner

V/s.

Changdev Bapu Patil

...Respondent

Ms. A.R.S. Baxi for the Petitioner.

CORAM: SANDEEP V. MARNE, J.

DATED: 09 JUNE 2026.

P.C.:

1) The Petition challenges judgment and order dated 16 June 2025 passed by the Member, Industrial Court, Thane, allowing Complaint (ULP) No.86 of 2016 and setting aside punishment order dated 29 June 2011 and subsequent order passed by the Appellate Authority. By order dated 29 June 2011 the Petitioner had imposed the punishment of withholding of amount of leave encashment of the Respondent.

2) I have heard Ms. Baxi, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by her.

3) It appears that disciplinary proceedings for conducting summary enquiry were initiated against the Respondent on 16 June 2011. Perusal of the charge-sheet dated 16 June 2011 would indicate that the first charge was in respect of the period from December 2006 to February 2007. The second charge was in respect of period from September 2007 to

March 2011. The Respondent was due to retire from service of the Petitioner. The charge-sheet was issued to the Respondent when he was on the verge of retirement on 30 June 2011. Thus, stale charges were levelled against the Respondent few days before his retirement and without conducting any enquiry, punishment of withholding of the amount of leave encashment was imposed on the Respondent.

4) Since no enquiry was conducted and since the punishment was imposed in summary proceedings, Petitioner had an opportunity to prove the charges by leading evidence before Industrial Court. However, even that opportunity is not availed by the Petitioner. In that view of the matter, no serious error can be traced in the order passed by the Industrial Court setting aside the punishment order.

5) The manner in which the impugned punishment is imposed on the Respondent otherwise does not appeal to this Court. Respondent was due to retire from service on 30 June 2011 and he was subject to summary enquiry proceedings vide charge-sheet dated 16 June 2011. The entire proceedings were hushed up within about 12/13 days and the final punishment order was imposed one day before his retirement i.e. on 29 June 2011. The entire leave accumulated by the Respondent for which he was entitled to earn the amount of encashment, is wiped out by way of impugned punishment order.

6) Considering the above position, I am not inclined to interfere in the impugned order passed by the Industrial Court. The Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]