

**BEFORE THE INDUSTRIAL COURT, MAHARASHTRA,
(AMRAVATI BENCH), A M R A V A T I.**

**COMPLAINT (ULP) No.30/2022.
CNR No.MHIC27000061-2022.**

Bhimrao Tukaram Gayakwad

----- Versus -----

Chief Executive Officer Zillha Parishad, Amravati
and one others.

**ORDER BELOW EXH.U-2
(Delivered on 07-04-2022)**

1] Heard Ld. Advocate for complainant. He submitted that, the complainant is suspended by issuing impugned order. The action of respondent is not in accordance with the law. The complainant is unnecessarily harassed and victimised by the concern authority. It is submitted that, the complainant has no any role with the contractor to whom the work is allotted on the contract basis. He is not responsible for any misappropriation as alleged by the respondents. It is submitted that, till the appearance of respondent the suspension order may be stayed.

2] Record indicates that by order dated 01.04.2022 the respondent authority have suspended the present complainant alleging that there were financial irregularities in his work when he was holding the post of cashier in construction section. Such orders are passed under Rule

... 2 ...

3 of Maharashtra Zilla Parishad, District Services (Discipline and Appeal) Rules, 1964. Ld. Advocate for complainant drawn my attention to the concern Rule 3 and submitted that, no enquiry is pending or it does not refer to any contemplated enquiry. He has drawn my attention to the observations of Hon'ble Allahabad High Court in the case of **Smt. Meera Tiwari Vs. The Chief Medical Officer and others, 2001 (89) FLR 1110** and observations of Hon'ble Allahabad High Court in the case of **Lalta Prasad Vs. Director Panchayatraj U.P. and others, 2001(88) FLR 372.**

3] I have gone through both the cited cases and Rule 3 of Maharashtra Zilla Parishad, District Services (Discipline and Appeal) Rules. Prima facie, it is seen that there are allegations of misappropriation against the complainant during his service period as a cashier. I am of the view that, under such circumstances it would be desirable to hear other side. Detailed scrutiny of the case is required before passing any order on this application. At present, I am not inclined to grant ad interim relief as sought by the complainant.

Therefore, request to grant ad interim relief at this stage is refused. Issue notice to other side returnable on 13.04.2022.

Amravati
Date :- 07.04.2022.

(D. N. Surwase)
Member,
Industrial Court, Amravati.

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