

BEFORE THE JUDGE, LABOUR COURT, AMRAVATI.

Complaint (ULP) No. 03 of 2023

CNR No.MHLC270000542023

Mr. Rajesh Vitthalrao Khadse,

Age 54 years, Occ. Nil.

R/o Camp, Wadali, Amravati,

Tahsil-District-Amravati.

... **COMPLAINANT**

Versus

1] Managing Director,
Cosmos Co.Op.Bank Ltd.

2] Geeta Datar,
Deputy General Manager,
HR Department,

Both Address : Cosmos Tower,
Plot No.6, ICS Colony,
University Road, Ganeshkhind,
Shivaji Nagar, Pune

3] Regional Manager,
Cosmos Co.Op.Bank. Ltd.
Jaistambha Square, Amravati,

Tahsil-District-Amravati.

... RESPONDENTS**ORDER BELOW EXH.U-2**

(Passed on 05-04-2024)

The complainant has filed present application for interim relief under Section 30(2) of the MRTU & PULP Act with prayer to reinstate the complainant during the pendency of complaint.

2] According to complainant, he was working with respondent as 'Clerk' since 22-09-1997. On 01-12-2022 the respondents had illegally issued dismissal order. The complainant had completed 240 days service in each year. On the basis of complaint, chargesheet was issued against him about irregularities, misappropriation. He replied the chargesheet by denying all the charges. Thereafter, the enquiry was conducted without following the principles of natural justice. The findings recorded by the enquiry officer are perverse. They are not based on evidence adduced on record. Respondents have illegally issued order of dismissal. Respondents have committed unfair labour practice. Hence, this application for interim relief.

3] The respondent filed reply and written statement at Exh.C-5. According to respondents, the complainant was working since 22-09-1997 as Clerk. On the basis of complaint, complaint he is dismissed from the service after conducting the departmental

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enquiry. Charges are proved against him. The findings of enquiry officer are not perverse. It has not committed any unfair labour practice. The complainant has been discharged or dismissed from the service. The complaint is not tenable and liable to be dismissed. Hence the application be rejected.

4] In light of aforesaid facts following points arise for my determination. I record my findings thereon for the reasons stated as under :-

	<u>POINTS</u>	<u>DECISIONS</u>
1	Whether complainant has shown prima facie case ?	No.
2	Whether the balance of convenience lies in favour of complainant ?	No.
3	Whether complainant will suffer irreparable loss, if relief of injunction as prayed is not granted ?	No.
4	What order ?	... Application is rejected

REASONS

5] As to point Nos. 1 to 4 : Heard the learned Advocates for the parties. According to complainant, he has been dismissed from service vide order dt. 01-12-2022. According to respondent,

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complainant was dismissed after conducting the departmental enquiry. He is not in service.

6] In the present application complainant is seeking interim relief of reinstatement during the pendency of complaint. The interim relief sought is in the nature of final relief. Punishment of dismissal has been imposed upon the complainant after conducting departmental enquiry.

7] Advocates for respondent has relied upon the Judgment of Hon'ble Bombay High Court in the case of *The Zilla Parishad Jalgaon v/s Smt. Maya Tukaram Sonawane*, reported in MANU/MH/1222/2015, wherein it is held that :-

11. "In the light of the view consistently taken by the Apex Court, evident from the above referred reports, it is virtually prohibited to grant interim relief in the form of a final relief."

8] In the light of ratio laid down by the Hon'ble Supreme Court in my view in present case the interim relief as sought by the complainant cannot be granted as it would amount to grant of final relief.

9] On perusal of documents filed on record I do not find prima facie case in favour of complainant. Moreover the balance of

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convenience does not lie in his favour. He would not suffer irreparable loss if the application is rejected. Hence, while answering Issue Nos. 01 to 03 in negative I pass the following order.

ORDER

The application is rejected.

Sd/-

Amravati.

(Sachin S. Patil)

Date : 05-04-2024.

Judge, Labour Court, Amravati.

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