

0Complaint ULP No. 01/2014.**CNR MHLC-30000 258 2018****Shrikrishna Natthuji Lavhe,**

... Complainant.

- Versus

Vice Chancellor,

Dr. P. D. K. V., Akola and others.

.... Respondents

ORDER BELOW EXH. U-1

Complainant has filed complaint against respondents under Section 28, Schedule IV, Item I of MRTU and PULP Act. Notice was issued to the respondents. Respondents have appeared in the matter and filed their reply and written statement vide Exh. C/14. Issues are framed at Exh. O/1. Issue Nos. 1 and 2 are framed in respect of fairness of inquiry and perversity of findings. Matter is fixed for evidence on said preliminary issues. However, in view of ratio laid down in **Maharashtra State Co-operative Cotton Growers Marketing Federation Ltd. v/s. Vasant Ambadas Deshpande**, reported in **2014-(1)-CLR-878**, wherein Hon'ble Bombay High Court, Bench at Aurangabad has held that,

“That the fairness of inquiry of the inquiry and fairness of the findings of Inquiry Officer, are to be looked into only on the basis of the record and proceedings of inquiry and the conclusions of the Inquiry Officer based upon the evidence adduced in the inquiry. Extraneous evidence recorded before the Labour Court prior to the decision on Issue Nos. 1 and 2, cannot be considered for deciding the said issues.”

Therefore, in view of ratio laid down in case law cited supra, though matter is fixed for evidence, it is necessary parties to argue the matter on the basis of inquiry proceedings and material before Inquiry Officer, to

decide fairness of inquiry and perversity of findings of Inquiry Officer.
Hence, I proceed to pass following order.

: ORDER :

01] Parties are directed to argue on the Issue Nos.1 and 2 on the basis of inquiry proceedings and material before Inquiry Officer.

Akola.

Date :- 20/03/2019.

(S. S. Shinde)
Judge,
Labour Court, Akola.