
(1996) 07 BOM CK 0076
In the Bombay High Court
Case No : Writ Petition No. 18 of 1989

Gurudas G. Priolkar

APPELLANT

Vs

Union Bank of India and Another

RESPONDENT

Date of Decision : 23-07-1996

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(1)

Citation : (1998) 79 FLR 76 : (1999) 3 LLJ 1647

Hon'ble Judges : T.K. Chandrashekhara Das, J; R.M.S. Khandeparkar, J

Bench : Division Bench

Advocate : N. Sawaikar, for the Appellant; M.S. Usgaonkar and S.S. Usgaonkar, for the Respondent

Final Decision : Dismissed

Judgement

T.K. Chandrashekhara Das, J.—The petitioner was working as an employee under the respondent-bank. While he was serving in the bank, certain allegations of misconduct had been levelled against the petitioner and, therefore, departmental inquiry was conducted. The inquiry was conducted on June 23, 1975, and the inquiry officer gave his findings on December 12, 1975, holding that the petitioner was guilty of all the charges levelled against him. Respondent No. 1, therefore, proposed to dismiss the petitioner from the service. After affording opportunity of personal hearing the superior authority had passed an order of dismissal dated January 24, 1976. This was subsequently confirmed by the higher authorities of the bank. This order of dismissal of the petitioner became the subject-matter of a dispute before the Central Government Industrial Tribunal No. 1, which was referred to it by way of Reference No. CGIT-9 of 1987. The dispute that had been referred u/s 10(1)(d) of the Industrial Disputes Act, 1947, reads as follows :

"Whether the action of the management of Union Bank of India in dismissing Shri G. G. Priolkar, Special Assistant, Margao Branch, from service of the bank with effect from February 18, 1976, is justified?" If not, to what relief is the concerned

workman entitled ?"

2. Considering the entire aspect of the matter and also hearing the parties, the said industrial Tribunal held that the dismissal of the workman petitioner was justified. The Industrial Tribunal also found that the petitioner had practically conceded his guilt. But the only defence is that he has no fraudulent intention to do it. However, all the pleas of defence have been taken care of by the Industrial Tribunal before it came to the conclusion. No illegality, which is alleged to have been committed by the inquiry officer or the Industrial Tribunal, while conducting the inquiry, could be pointed out by counsel for the petitioner. No principle of law was shown to have been violated by the inquiry officer or the Central Government Industrial Tribunal No. 1, while entering their findings.

3. The petitioner's counsel lastly contended that the appeal which had been filed by the petitioner against the order of the superior authority, has not been properly considered by the appellate authority and that too has been disposed of after seven years. We do not think that it is valid ground for interference by this Court. First of all, the petitioner should have not waited for such a long period of seven years, with a hope that the decision would be taken in his favour by the appellate authority. However, this ground also will not entitle the petitioner to any relief from this Court. The petitioner's counsel tried to argue that certain findings entered into by the inquiry officer and the Industrial Tribunal, are perverse or not correct. This Court cannot go into the question of appreciation of evidence and substitute its wisdom to the decision taken by the Tribunal. In view of the above, we find no reason to interfere in this case. The petition fails. Rule discharged.