

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4605 OF 2015

Chairman & Onco-Surgeon
Udhav Memorial Hospital
: V/S :
Indubai P. Pawar

.....Petitioner

.....Respondent

* * * * *

Ms. Suvarna Joshi, Advocate for the petitioner.

* * * * *

Coram :- Smt. R.P. SondurBaldota, J.

20th July, 2015.

P.C. :-

1). The petitioner-employer challenges the Award dated 10th September, 2014 by which the Labour Court, Nasik has answered the Reference at the instance of the respondent in the affirmative and has directed the petitioner to pay compensation of Rs.75,000/- in lieu of reinstatement within a period of 3 months from the date of publication of the Award and simple interest at the rate of 9% p.a. in case of delay in payment. According to the petitioner, the respondent was a temporary employee working as “Ayah” in the hospital. She had resigned from service on 14th April, 2008. The respondent denied that she had resigned from service and alleged that her signature had been obtained on the letter of resignation and that she was not aware of the contents of the letter. Undisputedly, the letter of resignation is not written in the hand

of the respondent. As per the evidence of the respondent, it is in the hand of one, Alka Kale who was working as a nurse with the petitioner. According to the petitioner, Alka Kale had left the services much prior to the date of the letter of resignation, whereas, according to the respondent, Alka Kale had left on the same date i.e. 14th April, 2008. There is no evidence produced by the petitioner as regards the date of resignation of Alka Kale. It is also an undisputed position that the letter of resignation is written on the letter head of the employer, Doctor. There is no explanation offered by the petitioner as regards the use of the letter head of the employer for the letter of resignation. Therefore, the Labour Court has rightly accepted the allegation of the respondent that she had not resigned from service.

2). The second contention of the petitioner is that, it has paid the entire legal dues to the respondent. There is an admission in fairness on the part of the respondent of receipt of some amount on the date of resignation. However, she felt that the amount was paid to her by way of bonus. The petitioner has not brought on record any material whatsoever to establish that the amount paid to the respondent was the amount legally due to her on termination of service. Hence, there is no infirmity in the order of the Labour Court. The petition is dismissed.