

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 8422 OF 2015.

Shri Manik Rangnath Wagh

.. Petitioner

Vs.

M/s I.N.C.A.B (Incab) Industries Lt d.

.. Respondent

Mr.A.S.Rao a/w Mr.Prashant Kambale, for the Petitioner.
Mr.Yashodhan Gavankar, for Respondent.

***CORAM: N.M.Jamdar, J.
Tuesday 13 October, 2015***

PC. :

By this petition, the Petitioner challenges the order passed on 30 July 2011 by the Labour Court, Pune, rejecting the reference. The Labour Court held that the Petitioner is not entitled to the reliefs prayed for as the Petitioner is not been able to prove that his services have been terminated illegally and also held that that the Petitioner has failed to prove that he was a workman.

2. I have heard the learned counsel for the parties. The Petitioner joined the services of the Respondent in June 1979. According to the Respondent he voluntarily left the service on 10 January 2003 while it is the case of the Petitioner that his services were terminated. It has come on record that there were many workmen and officers working in the department and the Petitioner had supervisory and managerial powers. Apart from this position,

the Respondent Company had suffered financial loss and its economic situation deteriorated and a reference was made to the Board for Industrial and Financial Reconstruction under Sick Industrial Company (Special Provisions) Act, 1985. The Company was directed to be wound up by the order dated 19 March 2004 and as informed by the learned counsel for the Respondent it has not yet been operational and is continued to be sick. Considering the fact that the Company had gone before the BIFR and was wound up in the year 2004 the theory that the Petitioner voluntarily left the services on 10 January 2003 for his own reason appears to be a plausible one. As on today, it is informed that the Petitioner has crossed the age of superannuation. Furthermore, the Respondent Company continues as a sick Company. In these circumstances, no interference is warranted in writ jurisdiction.

The Writ petition is accordingly rejected.

(N.M.Jamdar, J.)