

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7336 OF 2014

Basudev R. Chauhan

.....Petitioner

: V/S :

Electro Pneumatics and Hydraulics

(I) Pvt. Ltd

.....Respondent

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Mr. Vijay Vaidya i/by. Mahendr Agvekar, Advocate for the petitioner.

Mr. K.M. Naik, Senior Counsel i/by. Mr. Sujeet Salkar, Advocate for the respondent.

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

24th JUNE, 2015.

P.C. :-

1). The petitioner worker challenges, by this petition, the order dated 6th May, 2013 passed by the Labour Court dismissing his Reference (IDA) No. 18 of 2006.

2). The brief facts relevant for appreciating the grievance of the petitioner are that, he had been employed with the respondent since the year 1993. He had filed complaint (ULP) No. 21 of 2005 alleging his oral termination from service. The petitioner was served with notice dated 14th February, 2005 by the respondent calling upon him to show cause as

to why action be not taken against him for absenteeism. Then on 2nd March, 2005 chargesheet was served upon him. In view of filing of the chargesheet, his complaint (ULP) alleging oral termination from service was withdrawn. During the course of the enquiry into the charges, the respondent on 20th April, 2005 produced undated letter of resignation of the petitioner and made a request to the enquiry officer to close the enquiry. The letter of resignation was accepted by the respondent on the earlier day i.e. 19th April, 2006. In view thereof, the enquiry officer closed the enquiry on 20th April, 2005.

3). Thereafter, at the instance of the petitioner, dispute came to be raised and referred for adjudication of the Labour Court being Reference (IDA) No.18 of 2006. In his statement of claim, the petitioner sought to explain the letter of resignation given by him. He claimed that, the same had been obtained by the respondent by pressurizing him. He claimed that, since he was in need of employment and since he apprehended that unless, he gave the letter of resignation as demanded, he would not be continued in the employment, he gave the letter and also did not raise any dispute about the same. According to the petitioner, the letter of resignation was being misused by the respondent 13 years after the same was obtained.

4). The Labour Court disbelieved the claim of the petitioner

while rejecting the reference. The view taken by the Labour Court is seen to be supported by the material on record. The evidence of the petitioner led in the reference runs on the same lines as his statement of claim. But his statement of claim, is completely inconsistent with his own letter dated 23rd April, 2005 sent to Mr. Kode, the Head of Human Research Division of the respondent. In that letter, he referred to the letter dated 19th April, 2015 of acceptance of his resignation to contend that he had not given any letter of resignation and that the resignation had been mischievously sent by somebody and that it was a bogus document. In the second breath, he complained that several years back, the respondent had obtained his signatures on seven blank papers, on three blank papers with revenue stamps affixed thereto and a letter of resignation. This specific claim, has apparently been given up in the statement of claim in the reference. The petitioner has not been able to offer any explanation of this shift of stand.

5). There is one more material defect in the pleading and evidence of the petitioner. His claim as regards the resignation obtained in the year 1993 is vague and without necessary particulars. The petitioner neither discloses the name of the person who had forced him to sign the resignation letter in the year 1993, nor the date when the same was obtained nor the place at which it was obtained.

Admittedly, the petitioner had not raised any complaint about that letter of resignation. Therefore, the claim made cannot be believed.

6). After considering all these aspects, the Labour Court has dismissed the reference on the ground that the petitioner has failed to establish that the letter of resignation produced by the respondent had been obtained in the year 1993 and it was not given by him in the year 2005 when the same was produced by the respondent. It is pertinent to note that the petitioner neither disputes his signature on the letter of resignation nor any writing thereon. Therefore, the document of letter of resignation could not have been termed as “a bogus document” or even a “got-up document” by misusing the blank paper with signature of the petitioner. Thus, there is no infirmity whatsoever in the impugned order. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)