

JPP

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

WRIT PETITION NO. 9714 OF 2015

Mr. Philip Yohan Lokhande.

... Petitioner.

V/s.

M/s. Alfa Laval India Ltd. and Ors.

... Respondents.

Ms. Anjali S. Ranade for the Petitioner.

None for the Respondents.

CORAM : N.M. JAMDAR, J.

DATE : 27 OCTOBER, 2015.

P.C. :-

The Petitioner challenges the order passed by the Labour Court, Pune dated 4 September 2012 answering the Reference in negative.

2. The Deputy Commissioner of Labour, Pune referred the dispute of the Petitioner for adjudication. In the statement of claim the Petitioner contended that no retrenchment compensation was paid by Respondent No.1 which Respondent No.1 was liable to pay and hence, the termination was illegal. It is stated that the Petitioner was employed as a driver and on 6 June 2005, his

services were orally terminated. He contended that the junior drivers are still retained in service and specifically pleaded that it is the Respondent No.1 who has illegally terminated his services. No other particulars were given in the statement of claim though Respondent No.2, a contractor was made party.

3. In the cross examination the Petitioner accepted that he was working through a contractor. The Labour Court considered the evidence on record and observed that as per the documentary evidence, the salary of the Petitioner was being paid by one General Security Services. The General Security Services is not made party to the Reference and accordingly, the Labour Court negated the case of the Petitioner.

4. The learned Counsel for the Petitioner submitted that the General Security Services and Reliable Services are one and the same as they are sister concerns. However, there is no such case pleaded in the statement of claim, in fact the statement of claim proceeds on the ground that the Petitioner was in services of Respondent No.1 – Company and was terminated by Respondent No.1 – Company. No relief can be granted to the Petitioner on such vague and unfounded allegations. The claim was made against Respondent No.1 and Respondent No.1 is clearly not the employer of the Petitioner. There is no prayer for reinstatement against the said Reliable Services even assuming the Reliable Services and General Security Services are one and the same.

Therefore, the order passed by the Labour Court, Pune cannot be termed as illegal or perverse. The Writ Petition is accordingly rejected.

(N.M. JAMDAR, J.)