

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1276 OF 2015

Pandurang Durge

.....Petitioner

: V/S :

M/s. Parle International Ltd.

.....Respondent

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Mr. Onkar Virendra Warange, Advocate for the petitioner.

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

1st April, 2015.

P.C. :-

1). The petitioner challenges legality and correctness of the Award dated 9th February, 2010 passed by the Labour Court, Maharashtra in Reference (IDA) No. 4 of 2006. The reference had been made under Section 10(1)(s) read with Section 12(5) of the Industrial Disputes Act ("I.D. Act" for short). Respondent no.2 is the contractor who had employed the petitioner for working in the establishment of respondent no.1. It is the petitioner's allegation that, after working for 16 years continuously since the year 1991, his services were terminated orally without following the prescribed procedure. It is also his case that, respondent no.2 contractor was working under the instructions and in the premises of respondent no.1, Company. The presence of respondent

no.1 was therefore really an eyewitness and the petitioner is infact an employee of respondent no.1. The respondents contested the reference contending that the petitioner was the employee of respondent no.2 and not of respondent no.1. The contract given by respondent no.1 to respondent no.2 was of cleaning the premises. The work done by the petitioner was of filling of water. He was infact offered his legal dues by respondent no.2 but he refused to accept the same. Since the petitioner was offered the legal dues by respondent no.2, his termination from service was not illegal.

2). Perusal of the proceedings shows that the petitioner has in terms admitted in his evidence that he had joined the services of respondent no.2 in the year 1991 and continued to work with respondent no.2 till the date of his termination from service. He received his salary from respondent no.2 and also that respondent no.2 had offered legal dues to him and he had refused to accept the same. With these categorical admissions, the inference drawn by the Labour Court that termination of the petitioner from service was on due compliance of the mandatory provisions of Section 25(F) of the I.D. Act cannot be faulted with. Hence, there is no need for interference with the impugned order. The Writ Petition is dismissed.