

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.11572 OF 2014

1.Solapur Municipal Corporation & Ors.Petitioners

V/s.

Shri Shrishailya Dattatraya LigadeRespondent.

Mr.Vijay Killedar, Advocate for the petitioners.

CORAM : Smt. R. P. SondurBaldota, J.

DATE : 29th July, 2015.

P.C.:

1. This petition seeks to challenge the order dated 2nd April, 2013, passed by the Industrial Court on Complaint (ULP) No.16 of 2009 filed by the respondent no.1. The order directs the petitioner to reinstate respondent no.1 with continuity of service and 25% of back wages.

2. Respondent no.1 was working with the petitioner as a cashier. He noticed that between 19th January, 2009 and 20th January, 2009 there was some difference in the cash in hand. He had accordingly made a report of shortage of cash and on 23rd January, 2009 furnished complete details of the shortage amount. Later the respondent deposited the amount of Rs.6,199/- which was the shortage. Then on 30th January, 2009 he went on leave till 4th February, 2009. It is his allegation that on 5th February, 2009 when he returned to resume duty he was prevented from doing

work. Therefore he filed the complaint.

3. The petitioner in it's written statement has not disputed payment of the amount by the respondent which was falling short. As regards claim of respondent no.1 that he was not permitted to join duty on 5th February, 2009, though the petitioner denied the same in the written statement, it has admitted during evidence that respondent no.1 had reported for duty on 5th February, 2009. Thus, the contention of respondent no.1 that he was orally terminated from service on 5th February, 2009 stands established.

4. Mr. Killedar, the learned advocate for the petitioner then questions the back wages awarded to respondent no.1. He submits that the respondent had remained absent unauthorizedly and despite the fact the Industrial Court has awarded back wages to him. The absence of respondent no.1 for 6 days would be an entirely different issue. In any case the Industrial Court has awarded only 25% of the back wages to him. Thus, in my opinion there is no merit in the petition. The petition is therefore dismissed.

(SMT. R. P. SONDURBALDOTA, J.)