

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10178 OF 2014

Indian Oil Corporation
: V/S :
Shivlingappa H. Roli

.....Appellant

.....Respondent

* * * * *

Mr. K.P. Anilkumar, Advocate for the petitioner.

Mr. A.S. Rao a/w. Mr. Prashant Kamble, Advocate for the respondent.

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Coram :- Smt. R.P. SondurBaldota, J.
15th July, 2015.

P.C. :-

1). This petition by the employer is to challenge the ex-parte Award dated 17th July, 2013 passed by the Industrial Tribunal, Pune in Reference (ITA) No. 6 of 2007. The petitioner had engaged an Advocate to appear for it before the Industrial Court. The record shows that, after filing his appearance and written statement, the Advocate did not appear. Thereupon, the Reference was taken up by the Tribunal for ex-parte hearing. The Tribunal allowed the reference on the basis of unchallenged and un rebutted evidence of the respondent.

2). Mr. Anilkumar, the learned Advocate for the petitioner, points out that the respondent had hardly worked with the petitioner. He refers to the chart of the details of work done by the respondent as a Causal Labourer for the period September, 1994 to May, 2000. The chart shows that, the respondent had barely worked for 26 days in the year 1994, 79 days in 1995, 110 days in the year 1996, 100 days in 1997, 118 days in the year 1998, 34 days in 1999 and 14 days in the year 2000. The chart substantiates the claim of the petitioner. In view of the arguable case made out by it, the petitioner must get an opportunity of establishing its case. Therefore, the petition is allowed in terms of prayer clauses (a), (b) and (c). The Industrial Tribunal shall endeavour and dispose off the Reference within 6 months from the date of receipt of this order.

(SMT. R.P. SONDURBALDOTA, J)