

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.443 OF 2015**

Mr. Madhukar Soma Pawar Petitioner

Vs.

M/s Abby Lighting & Switchgear Ltd., & Anr. Respondents

Mr. Prithvi Raj Singh, Advocate for the Petitioner.
Mr. Ramakant B. Rane, Advocate for Respondent No.1.

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

Date : 22nd April, 2015.

P.C.

1 This petition is directed against the order dtd.19th April, 2014, by which the Labour Court partly allowed the petitioner's Reference (IDA) No.141 of 2012 and directed the respondent no.1 to pay lump-sum compensation of Rs.1,50,000/- to the petitioner in lieu of reinstatement, continuity of service, back-wages and all other attendant benefits.

2 The Labour Court has held that though the termination from service of the petitioner was illegal and without following due process of law, the direction for his reinstatement cannot be given because he has already reached the age of superannuation.

3 The petitioner disputes that he has reached the age of superannuation. However, despite sufficient opportunity being given, he did not produce any document establishing his age. Therefore, the Labour Court proceeded on the basis of the documents already available on record. In the absence of any document corroborating the claim of the petitioner that he has not yet reached the age of superannuation, the trial court correctly decided the Reference and awarded compensation to the petitioner. There is no infirmity whatsoever in the impugned order. Hence, the petition is dismissed.

(Smt. R.P. SondurBaldota, J.)