

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5640 OF 1995

Popat s/o Rambhau Dandvate
Age: 46 Yrs., occu. Service,
r/o Opp.Prabhat Bakery, Savedi,
At post Tq. And Dist.Ahmednagar = **PETITIONER**

VERSUS

- 1) The General Manager,
District Industries Centre,
Opp. M.S.e.B.Office,
At post Tq. And Dist.
Ahmednagar.
- 2) The State of Maharashtra.
- 3) Judge, Labour Court,
Ahmednagar. = **RESPONDENTS**

Mr.CV Dharurkar, AGP for Respondent No.2.

CORAM : P.R.BORA, J.

DATE : 10th June, 2016.

ORAL JUDGMENT:

1) None has appeared for the petitioner even on second call.

2) By filing the present petition, the petitioner has questioned the Award passed by the Labour Court, Ahmednagar in Reference (IDA) No.

46 of 1985. The services of the petitioner were terminated w.e.f. 15.9.1982 by Respondent No.1. The petitioner had, therefore, raised an industrial dispute before the Labour Court, which was forwarded by the Labour Commissioner for adjudication to the Labour Court, Ahmednagar. The learned Labour Court, after having assessed the oral and documentary evidence brought on record before it, had partly allowed the said Reference. The petitioner was directed to be reinstated as a fresh employee. The petitioner has challenged the said order by filing the present petition. It is the contention of the petitioner in the present petition that the learned Labour Court, while deciding the aforesaid Reference has erred in not allowing the back wages to the petitioner as well as continuity in service. According to the petitioner, no proper procedure was followed while terminating the services of the petitioner and the petitioner was terminated on some wrong reasons.

3) After having carefully gone through the judgment passed by the Labour Court, I do not however find any substance in the objection raised by the petitioner. The learned Labour Court has held the termination illegal. But considering the fact and circumstances of the case, did refuse to accept the prayers of the employee seeking back wages and continuity in service and reinstatement was directed as a fresh employee. The learned Labour Court has observed that the petitioner had remained absent from the duties for a considerable long period. It is further observed that the petitioner did not take any action for a period of about two years after his alleged termination. It is further observed that the explanation given by the petitioner for his long absence was also unacceptable and recording all these facts, the learned Labour Court had refused the relief of back wages and continuity of service to the petitioner. However, for non-observance of the proper procedure in terminating the services of the petitioner, the

learned Labour Court did direct reinstatement of the employee. I do not find any error in the judgment and award passed by the learned Labour Court. No case is made out in the present petition so as to cause interference in the impugned order. The writ petition is devoid of any substance and deserves to be dismissed and is accordingly dismissed. Rule discharged.

sd/-

(P.R.BORA,J.)

bdv/