

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1019 OF 1998
WITH
CIVIL APPLICATION NO. 10816 OF 2016

Bebabai Shankar Wagh,
Age 35 years, occ. Household,
R/o Near Sant Sena Maharaj
Mandir, Chalisgaon,
District Jalgaon.

..Petitioner

Versus

Range Forest Officer,
Forest Division,
Chalisgaon, Dist. Jalgaon.

..Respondent

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Advocate for Petitioner : Shri S.R.Patil h/f Shri P.D.Patil
AGP for Respondents: Shri S.D.Kaldate
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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 02, 2016
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ORAL JUDGMENT:-

1. Heard learned Advocates for the respective parties.
2. Learned Advocate for the petitioner has strenuously criticized the impugned award dated 2.7.1997, by which, the Labour Court partly allowed Reference (IDA) No. 7 of 1996, but did not grant reinstatement in service.
3. He further submits that in the Written Statement filed by the

respondent / establishment at Exhibit O-5, series of allegations have been made against the petitioner. It was conceded that she joined employment on 18.4.1990 and she was terminated w.e.f. 15.2.1993. He, therefore, submits that though it is the contention of the petitioner that she was working from 1974 and did not have any evidence to establish her continued employment, yet going by the admission of the respondent, her service for about 3 years is proved.

4. Shri Kaldate, learned AGP has strenuously defended the impugned award. He submits that there was no evidence before the Labour Court to establish that the petitioner was working from 1974 till 1993 and the Labour Court has rightly granted only three months wages by way of compensation. He further submits that even otherwise, after a passage of 23 years from the date of her disengagement, the State exchequer cannot be burdened by granting reinstatement with continuity and backwages. He, therefore, submits that this petition deserves to be dismissed by imposing costs.

5. I have considered the submissions of the learned Advocates.

6. It is trite law that if a stigma is the basis or foundation of the termination of an employee, be it a permanent employee or a probationer or a temporary, such termination would be rendered illegal if the charges are not proved (*Read: Dipti Prakash Banerjee*

Vs.Satyendra Nath Bose National Centre for Basic Sciences [(1999) 3 SCC 60 = AIR 1999 SC 983]).

7. Paragraph No.3 of the impugned judgment indicates the contention of the respondent in it's written statement. The same has been discussed by the Labour Court in the subsequent paragraphs. It was on account of the various allegations levelled upon her that the Labour Court found it proper to award compensation instead of reinstatement.

8. It cannot be ignored that the Labour Court permitted the first party management to lead evidence for proving the charges.

9. I have gone through the analysis of the evidence that was recorded before the Labour Court by the management. The discussion on the evidence and the cross-examination is found in paragraph No.5 on page Nos.27 to 31 of the petition paper book. Considering the evidence by which many charges were proved against the petitioner before the Labour Court, that the Labour Court has concluded that the dis-engagement of the petitioner was justified.

10. In the light of the above, I do not find that the petitioner deserves to be shown any sympathy. This petition being devoid of merits is, therefore, dismissed. Rule is discharged.

11. Pending Civil Application does not survive and is disposed off.

(RAVINDRA V. GHUGE, J.)

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