

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 10624 OF 2015

Shri S.T. Chavan

... Petitioner

v/s

M/s.Lumax Auto System Ltd. & anr.

... Respondents

Ms.Anjali S. Ranade for the petitioner.

None present for the respondents.

CORAM: N.M. JAMDAR, J.

DATED : 24 FEBRUARY 2016

P.C.:

The matter was kept today for dismissal. Learned counsel for the Petitioner appears and has addressed the matter on merits.

2 By this petition, the Petitioner challenges the Award of the Labour Court, Pune, dated 14 May 2013 rejecting the Reference which was made concerning termination of the Petitioner dated 15 January 2004.

3 The Petitioner joined the services of the Respondents in the year 1994. A disciplinary enquiry was held against him on the charges of forgery and fabricating the seal and documents with an

intention to defraud a financial institute and bringing disrepute to the Respondents. Pursuant to the enquiry, the Petitioner was terminated from service. The Labour Court, by an order dated 13 February 2012 held that the enquiry conducted against the Petitioner was fair and proper and as per the principles of natural justice, there was no perversity in the findings of the enquiry. Thereafter, by the Award dated 14 May 2013, Reference has been rejected.

4 The challenge in this petition is limited to the Award dated 14 May 2013. The enquiry is held to be fair and proper. Learned counsel for the Petitioner submitted that the punishment imposed is disproportionate. She submitted that neither the Respondents nor the Bank filed any criminal complaint. She submitted that the Respondents had also not led evidence before the Labour Court.

5 These contentions cannot be accepted. The enquiry is held to be fair and proper. Merely because a police complaint is not filed, does not mean that the Petitioner is innocent, disregarding the findings in the enquiry. There is no question of leading evidence if the enquiry is held to be fair and proper. As regard the proportionality of the punishment, the finding against the Petitioner is that the Petitioner fabricated the seal of the Company and fabricated the signature of the manager. The Labour Court has taken into account that though there could be a need for seeking loan, may be for genuine reason, but fabricating the seal of the

Company and signature of the manager is a serious misconduct. The Labour Court noted that it was not at all necessary for the Petitioner to indulge in these acts and it shows that the mentality not healthy for discipline in the Respondent Company. There is no perversity in the approach adopted by the Labour Court so as to warrant interference in the impugned order.

6 The writ petition is accordingly rejected.

(N. M. JAMDAR, J.)