

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9078 OF 2015**

Taj Mohammad Shaikh

..Petitioner

Vs.

**M/s. A. S. Moloobhoy Technical Services
Private Ltd. & Anr.**

..Respondents

**Mr. T. R. Yadav i/b Mr. C. B. Yadav for the Petitioner
Mr. Sushan Mhatre for the Respondent Nos.1 and 2**

**CORAM : R. M. SAVANT, J.
DATE : 1st OCTOBER, 2016**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 25-7-2014 passed by the Learned Presiding Officer 11th Labour Court, Mumbai, by which order Reference in question bearing Reference IDA No.64-D/2012 came to be partly allowed and resultantly a declaration came to be issued that the termination of the services of the Petitioner is illegal, however the court granted a lump-sum compensation of Rs.50,000/- in lieu of reinstatement, continuity of service and all other benefits to the Petitioner. Though the Learned Presiding Officer of the Labour Court found fault with the Respondent in so far as the termination of the services of the Petitioner are concerned, the Learned Presiding Officer in view of the strained relationship between the parties and having regard to the fact that the industrial dispute is raised 4 years after the termination, has not deemed it appropriate to grant reinstatement and back wages but as indicated above awarded a lump-sum

amount of Rs.50,000/- to the Petitioner. The Learned Presiding Officer also observed that it is not possible to believe the case of the Petitioner that he was unemployed in the interregnum considering that he was a driver.

2 Having regard to the facts as aforestated in my view the order passed by the Labour Court balancing the equities between the parties cannot be faulted with. No case for interference is therefore made out. The Writ Petition is accordingly dismissed.

3 It is expected that the Respondents would make the payment of the said amount of Rs.50,000/- and that they would not drive the Petitioner to another round of litigation.

[R.M.SAVANT, J]