

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

WRIT PETITION NO. 10428 OF 2015

Tejal Transmissions Pvt.Ltd.	...Petitioner
vs.	
Shri Bahalsaheb Kaluram Choudhari	Respondent

Mr.T.R. Yadav for Petitioner.
Mr.Prashant Kamble I/b. A.S. Rao for Respondent.

CORAM : S.C. GUPTE, J.

4 APRIL 2016

P.C. :

Heard learned Counsel for the parties.

2 The petition challenges an award of the Labour Court at Pune. By the impugned order and award, the application of the Respondent herein for reinstatement with 50% backwages was allowed by the Labour Court. The Petitioner's case is that the Respondent was never terminated but that he on his own refused to report for duty with effect from 22 July 2009. According to the Petitioner, the Respondent had been on leave between 12.12.2008 to 14.12.2008 and after he was allowed to join duties, he refused to report after 22.7.2009. Whether the Petitioner was terminated on any particular date or whether he did not report for duty on any particulate date, are all matters of fact, which need evidence to be led at trial. It is seen from the record that the Petitioner employer has not led any evidence before the Labour Court in the reference. Therefore, there is no merit in the Petitioner's case of the Respondent having failed to report for duty.

3 The petition is, accordingly, dismissed.

(S.C. Gupta, J.)