

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3462/2016

Chief Executive Officer, Zilla Parishad, Akola, Distt. Akola and others

..VS..

Sau. Suman Sahadeo Natkar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : 8.7.2016.

Heard Shri A.D. Girdekar, Advocate for the
petitioners - employer.

The order passed by the Industrial Court dismissing the
revision application filed by the employer and maintaining
the order passed by the Labour Court by which the complaint
filed by the respondent - employee came to be allowed, is
challenged.

The employee had filed complaint under Section 28 read
with Item I of Schedule IV of the Maharashtra Recognition of
Trade Unions and Prevention of Unfair Labour Practices Act
contending that she was in the employment since 26th
December, 1996 till 29th November, 2003, that she could not
attend duties for some period because of illness and inspite of
her attempts to resume the duties she was not permitted to do
so and ultimately her services were terminated by the order
dated 3rd May, 2010 without enquiry and without following
the required procedure. The employee contended that the
termination order was illegal and prayed that the employer be
directed to reinstate her with consequential benefits.

The Labour Court after considering the documents and
the evidence on record, by the order dated 16th November,
2014, concluded that the employer indulged in unfair labour

practice by issuing the termination order dated 3rd May, 2010. The Labour Court directed the employer to reinstate the employee with continuity of service. The prayer of the employee for back-wages was rejected.

The employer had filed revision which is dismissed by the impugned order. The Industrial Court has independently considered the documents and evidence on record and has concurred with the findings recorded by the Labour Court.

The findings recorded by the subordinate Courts are based on proper appreciation of material on record. I do not see any patent illegality or perversity in the findings recorded by the subordinate Courts. I do not see any reason to interfere with the impugned orders. The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.