

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

Writ Petition No.5086 of 2016
(Maharashtra State Road Transport Corporation, through its Depot
Manager, Warud Depot, Distt. Amravati v. Shri Baldeo s/o Gondlaji
Jaiswal)

Office Notes, Memoranda of Coram, appearances, Court's orders or directions and Registrar's order	Court's or Judge's orders
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Shri A.S. Mehadia, Advocate for Petitioner.
Shri R.V. Shiralkar, Advocate for Respondent.

Coram : R.K. Deshpande, J.
Date : 13th December, 2016

In Complaint (ULP) No.171 of 1999, the Labour Court set aside the order of dismissal by way of punishment and directed reinstatement of the respondent-complainant with continuity in service with 50% back wages. This decision of the Labour delivered on 17-9-2014 was the subject-matter of challenge in Revision (ULP) No.54 of 2014 by the petitioner-employer. The respondent also preferred Revision (ULP) No.49 of 2014 seeking 100% back wages. Both these revisions are dismissed by the Industrial Court on 23-11-2015. Hence, the employer is before this Court in this writ petition.

The charge against the respondent was of absenteeism for 106 days. The finding was recorded by the Labour Court on the preliminary issue that the enquiry conducted was not fair and

proper. On merits, the Court has held that the petitioner-employer has failed to establish the charge of willful absenteeism. The findings of fact recorded by the Courts below do not give rise to any question of law and jurisdiction.

The petition is dismissed.

Judge.

Lanjewar