

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
LETTER PATENT APPEAL NO. 251 OF 2006
IN
WRIT PETITION NO. 8641 OF 2005

S. R. Ingale
R/at. Room No. 1124, Maharashtra
Housing Colony, Statpur, Nashik-7.

.....Appellant

V/s.

Jyoti Structures Limited
M.I.D.C. Satpur, Nashik-7

....Respondent

Ms. Seema Sarnaik for the appellant

**CORAM : SMT. VASANTI. A. NAIK,
SARANG V. KOTWAL, JJ.
DATE : DECEMBER 11, 2017.**

ORAL JUDGMENT (PER: SMT. VASANTI A. NAIK, J.)

By this intra court appeal, the appellant has appealed against the order of the learned Single Judge dated 28/03/2006 dismissing the petition in limine.

The appellant was employed as a helper in the respondent company. It is the case of the appellant that the respondent-company had started harassing and victimizing the appellant and had a served charge-sheet on him. It was the case of the respondent company that the worker viz. C. B. Gunjal was allegedly assaulted by the appellant in the company's premises. An inquiry was conducted against the appellant and the respondent-company dismissed the

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appellant from service on 03/07/1992. Regular criminal case was filed against the appellant and 12 other workers and in the said criminal case, the appellant as also the other employees of the respondent-company were acquitted. The reference proceedings initiated in the dispute between the appellant and the respondent were head by the Presiding Officer, Labour Court Nashik and it was held that the termination of the appellant was not justified. The Labour Court, however did not award any back wages to the appellant and directed the respondent to pay lump-sum compensation of Rs. 69,960/- to the appellant. Being aggrieved by the Award of the Labour Court, the appellant had preferred writ petition no. 8641 of 2005. Since the writ petition was dismissed by the learned Single Judge, the appellant has filed this appeal.

Ms. Sarnaik, the learned counsel for the appellant submitted that the learned Single Judge could not have dismissed the writ petition filed by the appellant without recording a single reason for the dismissal of the same. It is submitted that at least some reasons ought to have been recorded by the learned Single Judge while dismissing the writ petition. It is submitted that the appellant was aggrieved by the order refusing the reinstatement to the appellant with back wages and it was necessary for the learned Single Judge to record at least a few reasons while dismissing the petition.

On some of the previous dates of hearing, the counsel for the respondent was not present and since none had appeared on behalf of the respondent, we had directed that the respondent be served during the pendency of the writ petition. Though the notice is duly served on the respondent, none appears on

behalf of the respondent.

On hearing the learned counsel for the appellant and on a perusal of the order appealed against, we find much force in the submission made on behalf of the appellant that the learned Single Judge could not have dismissed the writ petition without recording a single reason for doing so. The writ petition filed by the appellant was dismissed by passing the following order.

“No case is made out to interfere with the impugned order. Petition is, therefore, dismissed in limine with no order as to costs.”

On a perusal of the order, it is apparent that not a single reason is recorded by the learned Single Judge for dismissing the writ petition filed by the appellant. It is possible that there was no merit in the grounds raised by the appellant in the writ petition filed by him but the learned Single Judge should have recorded at least a few reasons for dismissing the writ petition. The order of the learned Single Judge is sans reasons and the same is therefore liable to be set aside.

Hence, for the aforesaid, the intra court appeal is allowed. The order of the learned Single Judge dated 28/03/2006 is hereby set aside. The Registry is directed to place the writ petition for admission before the learned Single Judge. In the circumstances of the case, there would be no order as to costs.

[SARANG V. KOTWAL, J.]

[SMT. VASANTI A. NAIK, J.]