

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.23312 OF 2016

Mr.Uttam Maruti Gaikwad .. Petitioner

vs.

M/s.Grauer & Weil (India) Ltd. .. Respondent

Mr.Sachin K. Hande for the petitioner

CORAM : K. K. TATED, J.
DATE : MARCH 27, 2017

PC.:

1 Heard the learned counsel for the petitioner.

2 By this petition under Article 226 and 227 of the Constitution of India, the Petitioner challenges the award dated 23.12.2015 passed by learned Presiding Officer, Labour Court No.2, Pune in Reference (IDA) No.61 of 2009 answering the reference in the negative.

3 In the present proceeding, the petitioner allege that the respondent without following due process of law terminated his service w.e.f. 25.7.2008. Hence, petitioner filed application before the Deputy Commissioner of Labour, Pune. On the basis of the said complaint, Deputy Commissioner of Labour, Pune has made a reference under section 10(1) read with 12(5) of the Industrial Disputes Act, 1947 for adjudicating the dispute between the parties on following points:

“Whether first party has illegally terminated services of second party w.e.f.. 25.7.2008?

If yes, whether second party is entitled for reinstatement with continuity of service, back wages & other benefits?”

4 The learned counsel for the petitioner submits that the Labour Court erred in coming to the conclusion that copy of resignation letter dated 23.7.2008 bears the petitioner's signature. He submits that he never tendered his resignation. He further submits that the respondent first party has created the said document of resignation. He submits that, to that effect, the petitioner filed complaint for investigation under section 156(3) of the Criminal Procedure Code being Regular Criminal Case No.318 of 2010. These facts were not considered by the Labour Court properly. Hence, the present Writ Petition.

5 It is to be noted that in the present proceedings, copy of resignation letter dated 23.7.2008 being Exhibit-C-20 and C-32 are placed on record by the respondent. The court verified the signature of the petitioner on resignation letter dated 23.7.2008 with following documents:

- i) Roznama of conciliation proceeding.
- ii) Application dt.17/9/2008 filed by second party before conciliation officer.
- iii) Amended statement of claim (Exh.U-25).
- iv) Additional evidence (Exh.U-29)
- v) Copy of complaint bearing Regular Criminal Case No.318/2010 filed with list Exh.U-27.”

6 Comparing the petitioner's signature on resignation letter and above mentioned documents, the court held that the resignation letter bears the petitioner's signature only. These facts were recorded by the Trial Court in paragraph 17 and 18 of the impugned order. About the criminal complaint, Trial Court recorded its finding in paragraph 11 and 12 of the impugned order.

7 Considering these facts, and as the petitioner himself has tendered resignation dated 23.7.2008, I do not find any substance in the present Writ Petition.

8 Writ Petition stands rejected.

JUDGE