

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

WRIT PETITION NO.899 OF 2018

Pratapsing Shankar Hire

.. Petitioner

Vs.

Chairman/Managing Director

Force Motors Limited

.. Respondent

Mr. Milind Parab i/b. Milind Parab & Associates for the petitioner.

Mr. Vishal Talsania i/b. K. A. Unni for the respondent.

CORAM : A.K. MENON, J.

DATED : 3RD MAY, 2018.

P.C. :

1. The challenge in this petition is to the judgment and order dated 25th February, 2016 passed by the Labour Court, Pune in Reference (IDA)no.6 of 2009. By the impugned award, the Reference came to be dismissed with costs
2. The facts which give rise to the Reference are as follows:-
 - (a) The petitioner was engaged as an Assistant Furnace Operator with effect from 26th February, 1979. In the course of employment, various allegations of misconduct were made against the petitioner resulting in a charge sheet being issued and enquiry being conducted. It is not in dispute that the enquiry conducted was fair and proper and in accordance with law. Subsequently, vide impugned order and it was

found that the petitioner had failed to prove that his services came to be terminated illegally and that the punishment of termination imposed with effect from 16th January, 2018 was disproportionate.

3. The learned counsel for the petitioner submitted that no proper opportunity was granted to the petitioner to lead evidence. Secondly, it is submitted that in respect of two other workmen, one Mr. Raut and Mr. Suryawanshi, no charge sheet was served on them or any enquiry conducted though their names were mentioned in the charge sheet that was served upon the petitioner. The learned counsel contended that even the charge sheet did not mention his name and his name came to be added subsequently and despite this, no opportunity was given to lead evidence.
4. On perusal of the annexures to the petition, it is seen that at Exhibit A, a copy of statement of claim in which paragraph 3 clearly sets out the fact that the respondent/first party had suspended the petitioner with effect from 13th February, 2007 and had thereafter served charge sheet to which a reply had been filed and which led to the enquiry. Subsequently, it appears from the impugned order that Exhibits C-12, C-13 and C-14 being the enquiry proceedings before the Inquiry Officer were all admitted. There virtually no challenge to the fairness

or the scope of the enquiry. The petitioner had also examined himself as seen from paragraph 5 of the impugned order.

5. In the circumstances, there is no substance in the contention that the petitioner was not given adequate opportunity. There is no perversity that has been shown to me. However I find that the impugned order imposes costs on the petitioner. I do not think the order for payment of costs should remain. In the circumstances, I pass the following order:-

- (i) The impugned order only to the extent it awards costs to the respondent is set aside. The findings on merits are sustained.
- (ii) Writ Petition is disposed of as above.
- (iii) No orders as to costs.

(A.K. MENON,J.)