



output amounted to willful slowing down of performance of work and other breaches of standing orders. Pursuant to the show cause notice, a departmental enquiry was duly conducted against the Petitioner. The Respondent-company examined witnesses before the Enquiry Officer and also produced documentary evidence. Based on this oral and documentary evidence, the Enquiry Officer held the charge to be proved. At the instance of the Petitioner, the matter was carried before the Labour Court at Pune in a reference. By Part-I award dated 7 February 2002, the Court held the enquiry to be fair and proper. This award has not been challenged by the Petitioner. By its impugned Part-II award, the Court held the charges leveled against the second party to be proved on the basis of evidence recorded in the enquiry. This part is the subject matter of challenge in the present petition.

3 The impugned award of the Labour Court sets out and analyzes the evidence led on behalf of the management in detail. Towards proof of the charges, the Respondent-company examined two witnesses, one of whom was the Secretary of the union. He deposed to the agreement reached between the workmen as well as the union and the management, whereby norms of efficiency to attain minimum guaranteed productivity were fixed. He also deposed to the consistent under-performance of the Petitioner during December 1992 to June 1993. The witness denied the suggestion that this under-performance was due to any incapacity on the part of the delinquent workman. The other witness examined on behalf of the Respondent-company was the Petitioner's Supervisor, who also deposed to habitual under-performance, and failure to give minimum required output, by the Petitioner from December 1992 to June 1993. He also relied on

documentary records of the output, such as production entry-sheets for the relevant period. The witness also deposed to repeated counselling of the Petitioner by the Supervisors including himself for achieving the required MGP output, but that the Petitioner did not pay any attention to the counselling or improve his performance. Based on this evidence, the Labour Court came to the conclusion that it was clear that the second party employee did not attain MGP for the period from December 1992 to June 1993, inspite of repeated counselling by superiors; that this act on the part of the second party amounted to willful slowing down in performance of his work; and that the charges leveled against him of misconduct under the relevant model standing orders were proved.

4 The conclusion reached by the Court in its award is certainly a possible conclusion which is supported by evidence. It considers all relevant and germane material. No non-germane or irrelevant material is shown to have been considered by the Court whilst arriving at the conclusion. The award, in the premises, does not merit any interference under the writ jurisdiction of this Court.

5 In the premises, there is no merit in the petition. The petition is dismissed.

(S.C. GUPTE, J.)