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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5749 OF 2016

Shri Kisan Narayan Lohar

... Petitioner

vs.

Maharashtra State Electricity
Distribution Company Ltd.

... Respondent

.....

Mr. Rupesh Atul Zade for the Petitioner.

None for the Respondent.

.....

CORAM : A.K. MENON, J.

DATE : 29th JANUARY, 2018

P. C.

1. By this Writ Petition the petitioner challenges an award dated 5th December, 2015 passed by the Labour Court No. 2, Pune in Reference (I.D.A.) No. 232 of 2009 whereby reference was answered in the negative.

The facts in brief are as follows :

2. The petitioner was employed with the respondent as "Lineman Helper", was a permanent employee since 4th September, 1979. Learned Counsel for the petitioner submitted that allegations of absenteeism were leveled against the petitioner. It was decided to hold departmental enquiry and the departmental

enquiry had been conducted and the petitioner was dismissed on 21st March, 2003. Thereafter, the petitioner raised an industrial dispute. Conciliation proceedings failed and thereafter the Dy. Commissioner referred this matter for adjudication.

3. According to the petitioner after his termination of his services, he tried to secure alternative employment, but could not, therefore he sought reinstatement with back wages. In the course of the enquiry, the petitioner contended that he had completed 24 years of service and towards the end of his career, Senior officers had asked him to collect additional amounts from customers who were suspected to have committed theft of electricity, but according to the petitioner, did not collect these amounts and therefore he has been targeted and his services have been terminated. According to Mr. Zade the charges of absenteeism and misconduct are baseless. The learned counsel for the petitioner submitted that the attitude of the Seniors and the way the petitioner has been treated by itself led to the petitioner being terminated as aforesaid.

4. The impugned order records that there is no pleading to support the contention that Senior Officers have made these alleged demands and had insisted that the petitioner collects additional monies from some of the customers on account of alleged theft by them. The Labour Court found that the allegations were bald bereft of any particulars. No mention was made of any particular officer(s) who had allegedly asked him to collect extra amounts. He has also not made any allegation against the officer who had transferred him. In short there is no evidence at all to substantiate the defence. The Labour Court found that the

petitioner was an habitual absentee and in the present case it transpires that he has remained absent from work from one year and eleven months as established in the departmental inquiry.

5. Having heard the learned Counsel for the petitioner, I am of the view that no case made out for interference. The petitioner had produced no evidence whatsoever in support of his contentions. At the final hearing respondent had produced service book of the petitioner. The petitioner himself consented to the said service book being introduced. The service book entered in evidence contained various entries of misconduct and previous absenteeism. In the circumstances, I find no reason to interfere with the impugned order in the writ jurisdiction of this Court. Accordingly, I pass the following order :

- (a) Writ petition is dismissed.
- (b) No order as to costs.

(A.K. MENON, J.)