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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8826 OF 2016

Shri Sanjay A. Mayekar & Anr.

... Petitioner

vs.

Glaxo India Ltd.

... Respondent

.....

Ms. Suvarna Joshi i/b. Ms. Priti Tare for the Petitioner.

Mr P. N. Salgaonkar, MR. Vijay Vaidya and Mr. Avinash Belge i/b. M/s. Salgaonkar & Co. for the Respondent.

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CORAM : A.K. MENON, J.

DATE : 9th JANUARY, 2018

P. C.

1. By this Writ Petition, the petitioners have challenged an order dated 18th August, 2015 passed by the Industrial Court, Nashik in Revision Application (ULP) No. 11 of 2009 u/s. 44 of the MRTP & PULP Act, 1971 in respect of Order dated 30th June, 2008 passed in Complaint (ULP) No.216 of 1994 by which the Labour Court dismissed the complaint of the applicant.

2. The complaint was filed on the ground that the respondent had engaged in Unfair Labour practices. The complaint was dismissed. In the meantime the respondent had initiated disciplinary proceedings against the petitioner. It appears

that the charge-sheet came to be filed on 15th June, 1993 wherein serious charges indicating that the petitioner had threatened one of the employees Mr. V. N. Lokhande and this conduct amounted to willful insubordination and disobedience, apart from being riotous, indecent and disorderly. The inquiry which came to be conducted thereafter found the petitioner guilty of various charges against him. Meanwhile a second charge-sheet dated 23rd August, 1993 had also been filed in relation to the petitioner's his absence from duty. In that case also he was found to be habitually absent.

3. The learned Counsel for the petitioner submitted that the order of dismissal which came to be passed and on 24th June, 1994 was not in consonance with the charges leveled and it is therefore unjustified. According to the petitioner he had received complaints by several employees about the misbehaviour of Mr. T. S. Bhondave who was indulging in unbecoming conduct as a result of which petitioner along with 35 other employees had filed a written complaint on 14th June, 1993 for the conduct of Mr. T. S. Bhondave. The respondent had taken advantage of this action by the petitioner and had made false allegations against the petitioner.

4. The record indicates that in the judgment dated 30th June, 2008, issue no. 1 was whether the inquiry conducted was fair and proper. This was answered in the affirmative. There was no challenge to this finding at the material time. Even in the application for revision filed on January, 2009 copy of which is at Exhibit C, all the grounds are on merits. There is nothing in the Revision Application which reveals that the order in the revision had not considered the contention of the petitioner.

The impugned order records that the preliminary issue of legality had already been held against the petitioner which was not challenged. After this aspect was decided the remaining issues came to be decided on 30th June, 2008.

5. In the circumstances, no ground for entertaining the revision was found. Even on the aspect of the second charge-sheet the charge of absenteeism is proved. The impugned order in paragraph 7 records that there were no pleadings or any ground on the basis of which inquiry was challenged as unfair or in violation of principles of natural justice. The report of the inquiry Officer concluded that the charges had been proved and the Labour Court had also considered the evidence in detail and concluded that the findings were not perverse.

6. 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.)