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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11452 OF 2014

Mrs. Savita B. Iyer
vs
M/s. Monotona Tyres Ltd. And Ors.
WITH
WRIT PETITION NO.6217 OF 2012

...Petitioner
...Respondents

M/s. Monotona Tyres Ltd. And Ors.
vs
Mrs. Savita B. Iyer And Ors.

...Petitioners
...Respondents

.....
Mr. Ashok D. Shetty, a/w. Mr. Swapnil Kamble, for the Petitioner in
WP/11452/14 and for Respondent No.1 in WP/6217/2012.

.....
CORAM : S.C. GUPTE, J.

DATED: JUNE 4, 2018

P.C. :

. Heard learned Counsel for the Petitioner in Writ Petition No.11452 of 2014. None appears for the Respondents. Even on the last occasion, i.e. on 4 May 2018, none had appeared for the Respondents.
Rule.

2. The companion petition, namely, W.P. No.6217 of 2012, is filed by the Respondents in Writ Petition No.11452 of 2014. The writ petition challenges an order of reinstatement with 50% of back wages. The impugned order was passed on the basis that though the enquiry

conducted by the Petitioners was fair and proper, the dismissal order was passed by an officer, who was not authorized to pass a dismissal order. It is submitted that though the Respondents in the present petition led evidence to show that the Officer had no authority, no evidence was led on behalf of the employers that the disciplining authority had the power to pass a disciplinary order. The onus to show that the authority had the requisite power is obviously on the employer and since no evidence is brought on record by the Petitioners, the Labour Court as well as the Industrial Court ordered reinstatement of Respondent No.1. This order was not interfered with in the revisional jurisdiction of the Industrial Court. There is, accordingly, no merit in the petition. The petition is, accordingly, dismissed both for want of prosecution as well as on merits.

(S.C. GUPTE, J.)