

ISM

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

*WRIT PETITION NO. 8500 OF 2019*

Hutatma Kisan Ahir Sahakari ..Petitioner  
Sakhar Karkhana Ltd. Walwa, Sangli  
Through Managing Director

V/s.

Shri. Krushna Vishwanath Jangam ..Respondents

Mr. Manojpagonda Patil for the petitioner.

***CORAM : NITIN W.SAMBRE, J.***

***DATE : AUGUST 13, 2019.***

**P.C. :-**

The order of termination against respondent-employee was set aside with directions of continuity of service with 75% of back wages which is the subject matter of challenge in Revision before the Industrial Court.

2 Application Exhibit C-10 for production of additional evidence came to be moved which the petitioner intend to rely upon so as to overcome the liability of back wages. Said prayer came to be rejected by the order impugned dated 2<sup>nd</sup> April, 2019. As such, this petition.

3     The submissions are, the fact that documents of which production is sought were for the purpose of drawing support for establishing plea of payment of 75% back wages is ignored by the learned Industrial Court. According to learned counsel, said document in the form of evidence has direct bearing while deciding the issue of back wages. As such, according to him, the order impugned is not sustainable.

4     Perused the order impugned and other pleadings.

5     As far as the payment of back wages is concerned, initial burden is on respondent-employee to lay foundation for the same, through evidence and pleadings.

6     Apart from above, the fact remains that there is no provision whereby petitioner can be permitted to produce the evidence at the stage of pendency of Revision.

7     In that view of the matter, I do not see any convincing reason which warrants interference in the order impugned. Petition fails, dismissed.

**(NITIN W.SAMBRE, J.)**