

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.861 OF 2019

Oberoi Hotels & Resorts	...	Petitioner
Versus		
Ajit Laxman More	...	Respondent

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Mr. Rajesh Gehani a/w Mr. Mahendra Agavekar and Ms. Shraddha Chavan for the Petitioner.

Ms. Seema Chopda a/w Mr. T.R. Yadav for the Respondent.

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CORAM : S.C. GUPTE, J.

DATE : 10 DECEMBER 2019

P. C. :

. This writ petition challenges an order passed by the Labour Court at Mumbai on a reference made to it under Section 12 of the Industrial Disputes Act, 1947. The controversy concerns the termination of service of the Respondent herein after a departmental inquiry. Though departmental inquiry was held to be fair and proper and conclusion justified in Part-I award in the reference, in Part-II award, the labour court held that the punishment of dismissal awarded by the first party employer (the Petitioner herein) was disproportionate to the gravity of the charge proved at the departmental inquiry. The labour court, accordingly, ordered reinstatement of the second party workman along with the continuity of service and 20 per cent back wages. This order has been challenged in the present petition by the Petitioner management.

After the petition is heard at some length, learned Counsel for the parties request the court to pass an order without stating any reason. The petition is, accordingly, disposed of by affirming the order of reinstatement with continuity, but without back wages. 20 per cent back wages ordered from 22 February 2008, shall accordingly be deleted from the operative part of the order dated 17 December 2018.

(S.C. GUPTE, J.)