

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2605 OF 2020

RAVINDRA UKHA BHANGALE
VERSUS
RAYMOND WOOLEN OUTWEAR LIMITED

...

Advocate for the Petitioner : Shri Patil Vinod Prakash

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th March, 2020

Per Court:

1 The petitioner, original complainant in Complaint (ULP) No.42/2008 before the Labour Court at Jalgaon, has suffered an adverse judgment dated 27.06.2017 by which, his complaint was dismissed. He approached the Industrial Court under Section 44 of the MRTU & PULP Act, 1971 and his Revision (ULP) No.7/2017 has also been dismissed vide judgment dated 04.07.2019.

2 I have considered the strenuous submissions of the learned advocate for the petitioner and with his assistance, I have gone through the petition paper book. Since the order of punishment was not placed on record, I called upon the learned advocate to place before the Court the order of punishment.

3 I find from the order of punishment dated 07.11.2008, which

is taken on record and marked as “X” for identification, that though the charges levelled upon the petitioner were grave and serious and the Management decided to award the punishment of dismissal from service, the disciplinary Authority reduced the punishment from dismissal to simple discharge, observing that the petitioner would now be entitled to legal dues post discharge w.e.f. 13.11.2008.

4 In the light of the submissions of the learned advocate for the petitioner, I have perused the record available and I find that the petitioner was operating a particular cloth manufacturing machine on 27.03.2008 in the first shift between 07:00 am to 03:00 pm. At about 11:15 am, due to excessive pressure being exerted by the machine, large quantity of cloth belonging to the respondent company was destroyed, causing a loss of about Rs.75,000/-. The petitioner, being a trained person, was in-charge of regulating the pressure of the machine and he was the only operator allotted with the said duty on the said machine. Therefore, there is no necessity of an eyewitness to depose that the petitioner was actually working on the machine. The contention of the learned advocate for the petitioner, therefore, cannot be sustained.

5 The charge being grave and serious in nature, can not assume the character of a minor or technical offence so as to attract item (1)(g) of Schedule IV of the MRTU & PULP Act, 1971. The law laid down by the Honourable Supreme Court in the matters of *Colour Chem Limited and*

others vs. A.L. Alaspurkar and others, (Supreme Court) 1998 (I) CLR 638 and Kumaon Mandal Vikas Nigam Ltd.. vs. Girja Shankar Pant and others, 2001 (I) CLR 12 : (2001) 1 SCC 182 : AIR 2001 SC 24, would squarely apply to this case.

6 Considering the above, I do not find that this petition deserves to be entertained. The petitioner is already 60 years of age and by the grace of the employer, the punishment of dismissal has been reduced to a simple discharge. This Writ Petition is, therefore, dismissed.

7 Needless to state, the petitioner would be at liberty to approach the employer for seeking all legal benefits available to the petitioner/ employee pursuant to his discharge. The statement of the petitioner that he has been paid gratuity alone, is noted.