

*sg***IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.8216 OF 2019**

The Managing Director, Trans Auto International	...Petitioner
vs	
Shri. Mahajan Subhash Yallappa	...Respondent

WITH**WRIT PETITION NO.8168 OF 2019**

The Managing Director, Trans Auto International	...Petitioner
vs	
Shri. Jadhav Dinkar Sitaram	...Respondent

WITH**WRIT PETITION NO.8339 OF 2019**

The Managing Director, Trans Auto International	...Petitioner
vs	
Shri. Bhalerao Vinayak Shankar	...Respondent

WITH**WRIT PETITION NO.9543 OF 2019**

The Managing Director, Trans Auto International	...Petitioner
vs	
Shri. Gharat Gangaram Ambaji	...Respondent

WITH**WRIT PETITION NO.9593 OF 2019**

The Managing Director, Trans Auto International	...Petitioner
vs	
Shri. Sose Raghu Kisan	...Respondent

WITH**WRIT PETITION NO.11559 OF 2019**

The Managing Director, Trans Auto International	...Petitioner
vs	
Shri. Joshi Anil Mahadev	...Respondent

WITH

WRIT PETITION NO.11560 OF 2019

The Managing Director, Trans Auto International ...Petitioner
vs
Shri. Dhamnekar Gajanan Lumanna ...Respondent

WITH**WRIT PETITION NO.11561 OF 2019**

The Managing Director, Trans Auto International ...Petitioner
vs
Shri. Pawar Jaysingh Ramchandra ...Respondent

WITH**WRIT PETITION NO.11562 OF 2019**

The Managing Director, Trans Auto International ...Petitioner
vs
Shri. Patil Shivanand Baswantrai ...Respondent

WITH**WRIT PETITION NO.11563 OF 2019**

The Managing Director, Trans Auto International ...Petitioner
vs
Shri. Shinde Ganpat Shankar ...Respondent

WITH**WRIT PETITION NO.11564 OF 2019**

The Managing Director, Trans Auto International ...Petitioner
vs
Shri. Kharat Devendrakumar Kondiba ...Respondent

WITH**WRIT PETITION NO.11565 OF 2019**

The Managing Director, Trans Auto International ...Petitioner
vs
Shri. Kumbhar Sambhaji Nana ...Respondent

WITH**WRIT PETITION NO.11566 OF 2019**

The Managing Director, Trans Auto International ...Petitioner
vs

Shri. Kamble Kiran Madhukar ...Respondent

WITH

WRIT PETITION (STAMP) NO.13298 OF 2019

The Managing Director, Trans Auto International ...Petitioner

vs

Shri. Javane Bapurao Narayan ...Respondent

WITH

WRIT PETITION (STAMP) NO.13302 OF 2019

The Managing Director, Trans Auto International ...Petitioner

vs

Shri. Patankar Dilip Rajaram ...Respondent

WITH

WRIT PETITION (STAMP) NO.13666 OF 2019

The Managing Director, Trans Auto International ...Petitioner

vs

Shri. Chaudhari Dnyaneshwar Pundlik ...Respondent

WITH

WRIT PETITION (STAMP) NO.13671 OF 2019

The Managing Director, Trans Auto International ...Petitioner

vs

Shri. Shastrakar Ashok Uttamrao ...Respondent

WITH

WRIT PETITION (STAMP) NO.14203 OF 2019

The Managing Director, Trans Auto International ...Petitioner

vs

Shri. Nandnikar Baban Ramu ...Respondent

WITH

WRIT PETITION (STAMP) NO.14280 OF 2019

The Managing Director, Trans Auto International ...Petitioner

vs

Shri. Bhosle Arun Vasudev ...Respondent

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Mr. Shivaji T. Shelke, for the Petitioner in all writ petitions.

Mr. A.S. Rao, for the Respondent in all writ petitions.

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CORAM : S.C. GUPTE, J.

DATED: 6 JANUARY, 2020

P.C. :

. Heard learned Counsel for the parties.

2. This group of 19 writ petitions challenges an order passed by the revisional court, i.e. the Industrial Court at Pune, on complaints of unfair labour practice.

3. The Respondents to these petitions were employees of the Petitioner. It was their case in the complaint that the Petitioner had committed unfair labour practice under Item Nos. 1(a), (b), (d) and (f) of Schedule IV of the MRTU & PULP Act, 1971, by wrongfully terminating the services of the employees. It was the case of the Respondents that they were appointed on different dates on different posts. At the time of their appointments, their superior, one Mr. Kothurkar, had asked them to submit undated resignation letters along with the other requisite documents. It was submitted that Mr. Kothurkar had told them that this was part of the usual joining process and unless the letters were submitted, the Respondents would not be allowed to join. According to the Respondents, all 19 employees, accordingly, submitted undated letters of resignation. It was submitted that these resignation letters were subsequently dated by the Petitioner Employer

and used against them for termination of their services. It was submitted that with effect from the very next date of their purported resignations, they were not allowed to attend duty and prevented by the Petitioner's security guards from entering the gate of the factory. The Labour Court dismissed the complaints. The Respondents carried the matters before the Industrial Court at Pune in revision. The Industrial Court, in its revisional order, held that the purported resignations were not given by the Respondents voluntarily. The revisional court noticed that all 19 employees had addressed the same resignation letters, which were all of the same date, i.e. 24 June 2015. There was oral evidence laid by the parties on these letters. The complainant employees had deposed that when they were joining the service, they were asked to tender undated resignation letters in their handwriting; the officer involved in the appointment process, one Kothurkar, had required these undated letters; that these letters were tendered on an expectation that the complainants could join the services of the Petitioner; that Kothurkar had assured them on behalf of the management that these letters would not be misused against the employees; and that the Petitioner Company had used these letters against all employees by putting a date subsequently on these letters.

4. The court found as a matter of fact that all resignation letters were dated 24 June 2015. The letters were accepted on the very next date, i.e. 25 June 2015, which was a weekly off. (As against this, the appointments envisaged an advance notice of one month or, in the alternative, payment of salary of one month to the employer in case of resignation.) The documents placed on record revealed that the

handwritings of the dates were different from the handwritings of the respective employees elsewhere in the resignation letters. In some cases, though all other contents, except the date, were in Marathi, the date was mentioned in English in a different handwriting. In some cases, there was overwriting on the dates mentioned on the letters and in some cases, no date was mentioned on the so called resignation letters. A comparison of the dates in the handwritten resignation letters and their other contents, clearly showed that the handwritings of the dates were totally different. In some cases, it seemed to be written in different inks, that is to say, different inks from the ones used for writing the resignation letters. The court was also of the view that the complainant employees had clearly proved that the date mentioned in the resignation letters was included subsequently and that the resignation letters were obtained at the time of joining; the same were undated; and were subsequently used by the employer by writing a date thereon and hurriedly accepting the respective resignations.

5. The assessment of the revisional court, which is essentially an assessment of facts, cannot be termed either as perverse or unreasonable. The findings are supported by some evidence. There is no irrelevant or non-germane material or circumstance considered by the court whilst arriving at these findings and all relevant and germane materials and circumstances have been duly considered. The impugned revisional order, accordingly, does not merit any interference under Articles 226 or 227 of the Constitution of India.

6. All 19 petitions are, accordingly, dismissed.

7. Learned Counsel for the Petitioner employer applies for stay. There was no stay since the hearing of the complaints and now that the petitions have been comprehensively heard and dismissed, there is no question of granting any stay. The application is rejected.

Smita
Gonsalves

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(S.C. GUPTE, J.)