

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6216 OF 2015

BAPUSAHEB RAMBHAJI KHEMNAR
VERSUS
PARNER TALUKA SAHAKARI SAKHAR KARKHANA LIMITED, AHMEDNAGAR
AND ANOTHER

Mr.P.V.Barde, Advocate for the petitioner.
Mr.P.R.Nangre, Advocate for respondent No.1.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : FEBRUARY 23, 2021

PER COURT :

1. I have noted the strenuous submissions of the learned Advocates for the petitioner/workman and respondent No.1 / Liquidator. No appearance has been entered by respondent No.2 despite service of Court notice issued on 16/11/2015.

2. There is no dispute that the petitioner has suffered an order of dismissal from service on account of his purported unauthorized absenteeism for a period of 45 days during a crushing season. I also find that the Industrial Court (Coram : P.W.Bhuyar, Member, Industrial Court, Ahmednagar) has once again resorted to copy paste and has delivered the impugned judgment dated 15/12/2014 in Revision (ULP) No.101/2012 filed by the petitioner. Paragraph No.3 of the judgment of the Labour Court

dated 20/09/2012 in Complaint (ULP) No.12/2001, has been copied and pasted as paragraph No.9, by the Industrial Court. Paragraph No.12 of the Labour Court judgment is copied and pasted as paragraph No.11, by the Industrial Court. Thereafter, the Industrial Court concludes the judgment by holding that it cannot re-appreciate or re-assess the oral and documentary evidence.

3. It is well settled that if the Industrial Court finds perversity in the judgment of the Labour Court, it can revisit the evidence recorded, in the interest of justice. So also, the Industrial Court has not considered the past service record of the petitioner/workman before approving the decision of the Labour Court of sustaining the dismissal of the petitioner for unauthorized absence of 45 days.

4. In view of the above, this petition is partly allowed. The impugned judgment of the Industrial Court dated 15/12/2014 is quashed and set aside and Revision (ULP) No.101/2012 is restored to the file of the Industrial Court, Ahmednagar. Both the parties shall appear before the Industrial Court on 15/03/2021. Liberty to place the details of the past service record of the employee is granted. The Liquidator is permitted to place on record material to indicate that a new Management has taken over and consequentially the original complainant would be at liberty to amend his revision petition.

5. The learned Advocates shall not seek unnecessary adjournments and would advance their oral submissions with promptitude. Written notes of argument are permitted to be filed. The Industrial Court shall decide the revision proceeding on or before 31/07/2021.

(RAVINDRA V. GHUGE, J.)