

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

LETTERS PATENT APPEAL NO.7 OF 2014

IN

WRIT PETITION NO.1658 OF 2000 (D)

The Dy. Conservator of Forest (Wildlife), Allapalli

Vs.

Daulat Yashwant Kannake through LR's. and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri N. R. Patil, AGP for appellant.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 26/02/2021

1. Heard Shri Patil, learned AGP for the appellant. Nobody is present for the respondents.

2. Perused the impugned judgment dated 29.09.2010.

3. It is seen that there are several material facts which have been admitted by the appellant and these admitted facts have clinched the issue in favour of the respondents. It is not in dispute that the appellant had given permanency to deceased Daulat Kannake

(respondent nos.1 to 3 are the legal heirs of the deceased employee), on the post of Watchman and later on, the appellant found that this status conferred upon the deceased Daulat was due to inadvertence on his part. However, it was not shown by the appellant that deceased Daulat did not work continuously for a period of 240 days. The Industrial Court had found, upon consideration of the evidence of the witnesses, that the witnesses clearly admitted that action taken against deceased Daulat was without due verification of records by them. It is also seen that no evidence was brought on record by the appellant to discharge the burden that deceased Daulat did not work continuously for a period of 240 days.

4. Besides, the termination was effected without giving any notice and this is also an established fact. These facts enable us to not notice any error of fact and law in the impugned judgment and also impel us to keep ourselves away from interfering with the impugned judgment.

(3)

903.LPA.7.2014

5. We find no merit in the appeal, the appeal stands dismissed.

No costs.

JUDGE

JUDGE

Sarkate