

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8445 OF 2021

Jarandeshwar Sugar Mills Pvt. Ltd.
Through Gen.Manager, Satara ..Petitioner

v/s.

Shri. Arjun Dattu Pawar ..Respondents

Mr. Nitin Kulkarni i/b. Avinash Belge for the Petitioner.
Mr. Kalpesh Patil for the Respondent.

**WITH
WRIT PETITION (ST) No.19074 OF 2021**

Jarandeshwar Sugar Mills Pvt. Ltd.
(Through ITS General Manager) ..Petitioner

v/s.

Shri. Sangay Hindurao Chavan ..Respondents

Mr. Nitin Kulkarni i/b. Avinash Belge for the Petitioner.
Mr. M.S.Topkar for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : 8th DECEMBER, 2022.**

P.C.

1. With consent, heard finally at the stage of admission.

The Petitioner herein has challenged the judgment and order dated 10th February, 2020 in Revision Application (ULP) No. 12 of 2020 and judgment and order dated 23rd March, 2021 in Revision (ULP) No.13 of

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2. The Petitioner had issued chargesheet to the Respondent employees alleging that they were involved in altercation and had abused and assaulted each other and had created chaos in the company and thus committed misconduct under Model Standing Orders framed under the Maharashtra Industrial Relations Act, 1947 under clause 22(k) and 22(1) of the Standing Orders. An inquiry was conducted and the Inquiry Officer submitted report on 12.10.2016 holding the Respondents guilty of misconduct. Based on the report of the Inquiry Officer, services of the Petitioner were terminated by orders dated 24th October, 2016. Being aggrieved by the termination, Respondents filed complaint (ULP) before the Labour Court at Satara. The Labour Court held that the Inquiry against the Respondents was not fair and proper and that the findings recorded by the Inquiry Officer were perverse. Opportunity was given to the Petitioner to prove the misconduct. The Petitioner, as well as the workman adduced evidence and upon considering the same, the Labour Court held that the misconduct was not proved. Hence, ordered reinstatement with continuity in service with 50% backwages.

4. The Industrial Tribunal by judgments dated 23.03.2021 and 10.03.2021 dismissed the revision application filed by the Petitioner and thereby confirmed the order of the Labour Court dated 24th October,

2016. Being aggrieved by these two orders, the Petitioner has filed these petitions.

5. Heard learned Counsel for the Petitioner and learned Counsel for the Respondents. I have perused the records.

6. The Petitioner- Employer had issued chargesheet to the Respondent-Workman alleging that on 26th June, 2016 at about 3.15 p.m. the Respondent-workmen abused and quarreled with each other and that they assaulted each other. As per the chargehseet, the alleged incident took place in presence of Mr. Bhoite, Deshmane and Shrikant Patil. The Petitioner – employer had examined these witnesses, namely Mr. Deshmane, Mr. Shrikant Patil and Mr. Narayan Bhoite. These three witnesses have specifically stated in their cross examination that the incident had not occurred in their presence and they had not personally witnessed the incident. The witness Narayan Bhoite has specifically stated that there was no quarrel or fight between the workmen Mane and Arjun Pawar. The evidence of these witnesses therefore does not prove misconduct.

7. Learned Counsel for the Petitioner submits that the workmen had themselves admitted their guilt and that they had tendered written apology. He submits that the application submitted by the workmen to the General Manager forms part of the Inquiry Report. It may be

mentioned that the Labour Court has already held that the inquiry was not fair and proper and that the findings recorded by the Inquiry Officer were perverse. Though opportunity was given to the Petitioner to prove the misconduct, the Petitioner had not produced these letters in evidence. Furthermore, the workmen were not confronted with these letters. Hence, no reliance can be placed on the said letters. The Labour Court as well as the Industrial Court have considered the material on record and has rightly concluded that the Petitioner-Employee had failed to establish misconduct. The findings are not perverse and do not suffer from any infirmity or illegality. Hence the writ petitions are dismissed.

(ANUJA PRABHUDESSAI, J.)