

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13120 OF 2019

M/s. Hindustan Anti-Biotics Co-]
operative Employees Patpedhi Ltd.] ... Petitioner

Vs.

Maruti N. Mahajan] ... Respondent

...

Mr. Rajesh A. More for the petitioner.

Ms. Anjali Ranade for the respondent.

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 02ND FEBRUARY, 2022.

P.C. :-

1. By this petition, the petitioner seeks to challenge the judgment and award dated 09/05/2019 delivered by the Labour Court, Pune, in Reference (IDA) No.174 of 2009.

2. I have considered the strenuous submissions of the learned counsel for the petitioner and on behalf of the respondent.

With their assistance, I have gone through the petition paper-book.

3. It is undisputed that the respondent joined the petitioner-Patpedhi Limited in 1982 as a person, who was in charge of collecting the contributions of the employees, to be deposited in the Patpedhi. Over two decades, he was performing the said job.

4. The petitioner gathered information that the respondent was indulging in misappropriation. It is stated that whenever confronted, the respondent used to admit all his mistakes. However, he continued to commit such mistakes and, consequentially, the petitioner issued the order of termination dated 19/08/2006.

5. On perusal of the termination order, I find that nine grave and serious offences have been alleged against him, in between 3/9/2004 till 2/08/2006. Some of the allegations pertain to non-depositing of the contributions collected from the employees. His purported admissions dated 02/08/2005 and 28/10/2005 were taken into account and, on 19/08/2006, he was terminated from service. The said termination apparently amounts to dismissal from service, as the management presumed that he was guilty of the grave and serious misconduct committed by him and issued a stigmatic termination order.

6. It is undisputed that neither did the petitioner issue a charge-sheet to the respondent, nor did it call upon him to show cause as to why he should not be awarded any punishment, on the basis of the admission, purportedly given by him. It is circumspect as to whether such an admission by an employee, purportedly given more than one year prior to the dismissal from service, could be such material which could be relied upon, for sustaining the dismissal order.

7. It is also an admitted position that the petitioner did not reserve a right to conduct a departmental enquiry before the Labour Court. No charge-sheet was placed before the Labour Court. By the impugned award, the Labour Court has rightly come to a conclusion that if the petitioner was of a firm belief that the respondent had committed grave and serious misconducts, it could have followed the due procedure laid down in law and could have proved the charges in the enquiry.

8. In the above backdrop, though the Labour Court has rightly concluded that the purported admission cannot be outrightly believed to be true, it granted a lumpsum compensation to the respondent for an amount of Rs.3 lakhs, in lieu of reinstatement in service and backwages. This award has not been challenged by the respondent worker in this court, till today.

9. In view of the above, I do not find that the conclusions

drawn by the Labour Court of disapproving the dismissal from service, in the above stated circumstances, could be termed as being perverse or erroneous.

10. As such, this petition being devoid of merits, is therefore, dismissed.

[RAVINDRA V. GHUGE, J.]