



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 14566 OF 2023

Rajaram Ramdas Sapkale .. Petitioner

Versus

Jalgaon City Municipal Corporation
through the Commissioner .. Respondent

Shri Pramod D. Patil, Advocate for the Petitioner.

CORAM : SHAILESH P. BRAHME, J.

DATE : 30TH NOVEMBER, 2023.

FINAL ORDER :

. Heard the learned counsel for the petitioner. The judgment and order dated 11.11.2008 passed by the Labour Court, Jalgaon in Reference IDA No. 16 of 2003 rejecting the reference is under challenge. The petitioner is the second party employee of the respondent/Jalgaon Municipal Corporation.

2. The Reference IDA No. 16 of 2003 was for the relief of reinstatement and consequential benefits. The petitioner claims to be a daily wager/employee rendering services from 01.04.1989 to 01.10.1991 with the respondent. His grievance was that he was terminated without following due procedure of law and without complying provisions of Section 25(F) of the Industrial Disputes Act. He was entitled for continuation in the services.

3. The learned counsel for the petitioner submits that the Labour Court has failed to consider the documents placed on record. The termination was illegal and against the statutory provisions. Without extending any opportunity of hearing the reference was rejected.

4. It is apparent that the impugned order is passed on 11.11.2008 and the petition is filed on 02.05.2023. The laches for period of twelve years have not been explained by the petitioner.

5. I have considered the impugned order. The petitioner failed to lead any evidence despite opportunity. It is recorded that he used to remain absent. The learned counsel for the petitioner is unable to explain the reasons for absenteeism. I do not find any perversity in the findings recorded by the Labour Court. There is no material on record to show that the petitioner is entitled to reinstatement and his termination is illegal. I find that the petition is devoid of any substance. Same is dismissed.

[SHAILESH P. BRAHME, J.]

bsb/Nov. 23