

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.15040 OF 2022

VISHAL
SUBHASH
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Kumar Yallappa Vijapure

...Petitioner

vs.

Shrenik Industries

...Respondent

Mr. Prabha Badadare, for the Petitioner

None for the Respondent.

CORAM : N. J. JAMADAR, J.

DATE : MARCH 14, 2023

P.C.:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to an order dated 29th July, 2022 passed by the Labour Court, Kolhapur whereby the inquiry conducted against the petitioner was held to be legal and proper and the finding recorded by the Inquiry Officer were declared not to be perverse.
3. The learned counsel for the petitioner submitted that at the fag end of the inquiry, the First party- respondent produced a C.D. containing the alleged call records of the petitioner, wherein the petitioner admitted the submission of the bogus medical bills. Since the respondent had not produced a certificate under section 65B of the Indian Evidence Act, 1872, an objection was taken. However,

the learned Presiding Officer, Labour Court held that strict rules of evidence are not applicable to a departmental inquiry. The learned Presiding Officer also observed that the Court, at that stage, could not go into the question of sufficiency or adequacy of the evidence.

4. From the perusal of the impugned order, it becomes evident that the Labour Court has kept in view the principles which govern the consideration as to whether the inquiry is vitiated and the findings appear to be perverse. Considering the material on record the Labour Court has recorded justifiable findings against the petitioner. At this juncture, in exercise of extraordinary writ jurisdiction no case for interference is made out.

5. It is, however, clarified that in the proceeding before the Labour Court, the petitioner is at liberty to raise all the contentions which are available in law.

6. With the aforesaid clarification, the Petition stands dismissed.

(N. J. JAMADAR, J.)