

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

Writ Petition No.5706 of 2018

Smt. Shantabai Chinnaswami Dasar Vs The Chief Engineer, Mseb Urban Zone,
Gaddigodam, Nagpur And Another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.U. Ambagade, Advocate for the Petitioner/s
Shri U.V. Purohit, Advocate for the respondent No.1

CORAM : ANIL S. KILOR, J.
DATED : 11.07.2023

1. Heard.
2. In this petition, a challenge is raised to the Award dated 22.01.2015 passed by the First Labour Court, Nagpur, answering the Reference in negative.
3. It is the case of the petitioner that, she was appointed in the year 1987 and she was doing the work of cleaning, sweeping and maintaining rooms inclusive of toilets in guest house of the respondent No.1 at Bijalinagar, Nagpur. It is further case of the petitioner that in case there is no guest, she used to maintain the garden.
4. It is contended that, her services were orally terminated from 25.10.2002. Accordingly, she approached to the Additional Commissioner of Labour, Nagpur, who referred the Reference under Section 10(1)(c) and 12(5) of the Industrial Disputes Act, 1947 (for short "the I.D. Act"), to the Labour Court, Nagpur.

5. A challenge was raised to the termination of the services of the petitioner on the ground that though she had completed 240 days continuously in each year and acquired status of permanent employee, she was illegally terminated in violation of Section 25-F & 25-G of the I.D. Act.

6. The learned Labour Court answered the Reference in the negative by holding that, the petitioner has failed to bring any evidence on record to show that she was continuously working with the respondent No.1 since 1987 and she completed 240 days continuous service in each year.

7. The petitioner produced various documents before the Labour Court. Those documents were true copies and no original document was produced, as according to the petitioner, the original documents are in possession of the respondent No.1.

8. The learned Labour Court, without going into the fact that, whether the documents are original or true copies considered the documents one by one and recorded the reasons for discarding the same.

9. Thus, it is apparent that all the documents, filed by the petitioner in support of her claim, were considered by the Labour Court and on each document, findings have been recorded for discarding the same.

10. The learned counsel for the petitioner has failed to point out how such findings recorded by the Labour Court are perverse or not sustainable in the eye of law.

11. Hence, in absence of any evidence produced by the petitioner to show that, she was continuously in service from 1987 and she worked for 240 days each year, I do not find any error committed by the learned Labour Court, Nagpur in answering the Reference in the negative. Accordingly, the writ petition is **dismissed**.

[ANIL S. KILOR, J.]