

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

WRIT PETITION NO.7926 OF 2018

(DEEPAK BABUBHAI UNNARKAR..VS.. CHIEF OFFICER, MUNICIPAL COUNCIL, YAVATMAL &
ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms Rani G. Nitnaware, Advocate for Petitioner.
Shri V.D.Darne, Advocate for Respondent No.1.

CORAM : ANIL S. KILOR, J.
DATED : JULY 18, 2023.

1. Heard.
2. The Labour Court, vide award dated 12/08/2014, answered the reference made against the termination of the petitioner, in negative, which is the subject matter of the present writ petition.
3. The learned Labour Court answered the reference in negative on the ground that the petitioner failed to establish that he worked for 240 days in a preceding year. Even the record produced before the Court that is in respect of expenditure voucher of the respondent-Municipal Council, the learned counsel appearing for the petitioner perused the same and made a statement before the Court that there is no single entry regarding payment made to the petitioner.

4. It is a settled law that the burden lies on the employee to prove that he had worked for 240 days in a preceding year. In the present matter, the learned Labour Court, after going through the documentary evidence on record and after taking into consideration the evidence produced before the Court, has held that no material on record shows that the petitioner worked for 240 days in the preceding year.

5. The learned counsel for the petitioner has failed to point out how the said finding recorded by the learned Labour Court are perverse and contrary to the record. In that view of the matter, I do not find any perversity or illegality committed by the learned Labour Court while answering the reference in negative.

6. In the circumstances, the writ petition is **dismissed**. No order as to costs.

JUDGE

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