

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9345 OF 2023**

Suresh Rajaram Khot

... Petitioner

Versus

The Managing Director, Rajrambhau
Patil Sahakari Sakhar Karkhana Ltd.

... Respondent

...

Mr. Kuldeep Nikam for the Petitioner.

None for Respondent.

...

CORAM : SANDEEP V. MARNE J.

DATE : 10 JANUARY, 2024.

P.C.:-

1) By this Petition, Petitioner challenges the Order and Judgment dated 16 February 2023 passed by the Industrial Court, Sangli, dismissing Revision Application (ULP) No. 19 of 2018, in which the Petitioner had challenged the Judgment and Order dated 1 March 2018 passed by the Labour Court, Sangli in Complaint (ULP) No. 25 of 2011.

2) Briefly stated, the facts of the case are that Petitioner was employed in the services of Respondent-Sugar factory on the post of Clerk in the Cane Yard (Agriculture) Department since 1993. Petitioner

claims that due to some urgent domestic work, he applied for leave on 7 March 2021 for the period from 15 March 2011 to 03 April 2011. It is Petitioner's case that the leave was orally sanctioned. That, he resumed duties on 4 April 2011, when a letter dated 31 March 2011 was served on him making false and baseless allegations that the leave was not sanctioned. That on 7 April 2011, he was threatened and pressurized by various officials of the Respondent-Factory, on account of which he submitted his resignation on 7 April 2011. That he was not in a proper state of mind at the time of submission of resignation and that the same was submitted only on account of threats and humiliation on the part of the officials of the Respondent-Factory. That he continued performing duty, when an Order dated 22 April 2011 was passed accepting his resignation with effect from 26 April 2011.

3) Petitioner filed Complaint (ULP) No. 25 of 2011 in the Labour Court, Sangli, seeking his reinstatement in service. The Labour Court however held that the Petitioner failed to prove that the resignation was obtained by force or that sanction of the resignation was illegal or that the same amounted to unfair labour practice. The Labour Court accordingly proceeded to dismiss the complaint by Judgment and Order dated 1 March 2018. The Petitioner filed Revision Application (ULP) No. 19 of 2018 before the Industrial Court, Sangli, challenging the decision of the Labour Court. By Judgment and Order dated 16 February 2023, the Industrial Court has dismissed the Revision Application. Petitioner has accordingly filed a present Petition challenging the Orders passed by the Labour Court and the Industrial Court.

4) Mr. Nikam, the learned counsel appearing for the Petitioner would submit that the resignation was obtained from the Petitioner by force and that the Petitioner never desired resigning from service. The Labour Court has failed to allow the complaint by reinstating the Petitioner in service. That the resignation has not been tendered out of free will by the Petitioner. That Petitioner has not committed any serious misconduct and the officials of the Respondent-factory were unnecessarily harassing him merely because he had proceeded on leave. That the leave availed by Petitioner was for valid grounds and that he has given oral intimation about the sanction of his leave for the period from 15 March 2011 to 3 April 2011. That he was not aware about the refusal of leave by the higher officials. That immediately after the acceptance of his resignation on 26 April 2011, petitioner filed a complaint before the Labour Court on 30 June 2011. He would therefore pray for setting aside the Orders passed by the Labour Court and Industrial Court.

5) After having considered the submission canvassed by the learned counsel appearing for Petitioner, it is seen that Petitioner tendered resignation on 7 April 2011 vide his letter dated 6 April 2011. Mr. Nikam has placed on record the resignation letter dated 6 April 2011 which shows that the Petitioner had a desire to resign from services owing to domestic difficulties and physical health. The theory of threatening and humiliation by three superior officers given on 7 April 2011 cannot be believed as the resignation letter bears the date of '6 April 2011'. It thus appears that the resignation letter was prepared on 6 April 2011, but the same was submitted on 7 April 2011.

6) Another factor to disbelieve the alleged theory of threatening and humiliation as reason for resignation is the admitted position that the Petitioner continued to work with Respondent-factory upto 26 April 2011. During the time gap between 7 April 2011 to 26 April 2011 when the resignation was accepted, Petitioner did not submit any letter withdrawing the resignation. If there was any element of truth about resignation being given out of threats, force, or humiliation, Petitioner had sufficient opportunity to withdraw the resignation during the long gap from 7 April 2011 to 26 April 2011. Since he did not withdraw his resignation, it is difficult to believe that the resignation was not voluntary. Petitioner's theory about having proceeded on sanctioned leave also does not appear to be correct as the leave application placed on record by Mr. Nikam indicates that the leave was rejected on account of currency of crushing season.

7) Perusal of the Orders passed by the Labour Court and Industrial Court does not show any patent error for this Court to interfere in the exercise of its jurisdiction under Article 227 of the Constitution of India. Writ Petition, being devoid of merits, is **rejected**.

[SANDEEP V. MARNE J.]