

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9172 OF 2024

Sheshnat Balgovind Nishad

... **Petitioner**

Versus

Mulchand Purushottam Kesharwani And Ors

... **Respondents**

Mr. Vaibhav Jagdale *for the Petitioner.*

CORAM : SANDEEP V. MARNE, J.

DATE : 22 AUGUST 2024.

P.C. :

1) The challenge in the present Petition is to the Award dated 18 September 2023 passed by the Presiding Officer, Second Labour Court, Thane answering Reference (IDA) No. 114 of 2016 in the negative.

2) I have heard Mr. Jagdale, the learned counsel appearing for Petitioner and have considered the submissions canvassed by him.

3) After having considered the submissions canvassed by Mr. Jagdale, it is seen that Petitioner could not produce any evidence to show completion of 240 days of service for the purpose of following the necessary procedure before his retrenchment. Though Petitioner claims that he was working with the Respondents since 20 February 2007, not even single

document is produced on record to show service for eight long years from 20 February 2007 to 10 May 2015. Petitioner sought production of various documents such as attendance-cum-wage registers, bonus registers, leave registers etc. from the year 2007, which application came to be rejected by the Labour Court by Order dated 8 December 2022 observing that it was Petitioner's own case no attendance register was maintained with regard to his service. Petitioner did not challenge the Order dated 8 December 2022 and participated in the proceedings without producing any documents in support of his claim for employment from 20 February 2007.

4) In my view, therefore, the Labour Court has rightly held that the Petitioner could not prove rendering of 240 days of service. No patent error can be traced in the impugned award. Writ Petition is accordingly rejected.

[SANDEEP V. MARNE, J.]