

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10374 OF 2024

Sanjay Shivdas Chavan

...Petitioner

V/s.

Z F Steering India Ltd

...Respondents

WITH

Writ Petition NO. 10375 OF 2024

Balu Tarachand Shinde

...Petitioner(s)

Versus

Z F Steering India Ltd

...Respondent(s)

WITH

Writ Petition NO. 10376 OF 2024

Mohan Gangaram Dhage

...Petitioner(s)

Versus

Z F Steering India Ltd

...Respondent(s)

WITH

Writ Petition NO. 10377 OF 2024

Ramesh Shivaji Bankar

...Petitioner(s)

Versus

Z F Steering India Ltd

...Respondent(s)

WITH

Writ Petition NO. 10378 OF 2024

Ashok Bhikaji Bhorade

...Petitioner(s)

Versus

Z F Steering India Ltd

...Respondent(s)

WITH

Writ Petition NO. 10379 OF 2024

Dattatraya Narhari Lokhande ...Petitioner(s)
Versus
Z F Steering India Ltd ...Respondent(s)

**WITH
Writ Petition NO. 10380 OF 2024**

Dadasaheb Haribhau Dhokale ...Petitioner(s)
Versus
Z F Steering India Ltd ...Respondent(s)

**WITH
Writ Petition NO. 10381 OF 2024**

Hari Mitharam More ...Petitioner(s)
Versus
Z F Steering India Ltd ...Respondent(s)

**WITH
Writ Petition NO. 10382 OF 2024**

Eknath Bhausahab Raut ...Petitioner(s)
Versus
Z F Steering India Ltd ...Respondent(s)

**WITH
Writ Petition NO. 10383 OF 2024**

Kaluram Dattatray Tathawade ...Petitioner(s)
Versus
Z F Steering India Ltd ...Respondent(s)

**WITH
Writ Petition NO. 10384 OF 2024**

Tejkumar Parisa Chougule ...Petitioner(s)
Versus
Z.f. Steering India Ltd. ...Respondent(s)

**WITH
Writ Petition NO. 10493 OF 2024**

Ashish Dashirathi Bishwas	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10494 OF 2024**

Madhukar Prabhakar Tikhe	...Petitioner(s)
Versus	
Z.F. Stering India Ltd	...Respondent(s)

**WITH
Writ Petition NO. 10495 OF 2024**

Sandeep Ganpat Raccha	...Petitioner(s)
Versus	
Z.F. Steering India Ltd	...Respondent(s)

**WITH
Writ Petition NO. 10496 OF 2024**

Nanasaheb Balasaheb Kale	...Petitioner(s)
Versus	
Z.F. Steering India Ltd	...Respondent(s)

**WITH
Writ Petition NO. 10497 OF 2024**

Sachchidanand Ramchandra Tambe	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10498 OF 2024**

Umesh Pandurang Sadegaonkar	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10499 OF 2024**

Mahadev Vishwanath Bhandare	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10500 OF 2024**

Kailas Sopan Mungase	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10501 OF 2024**

Sharad Balasaheb Gaware	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10502 OF 2024**

Ramdas Tukaram Shivale	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10504 OF 2024**

Arun Baburao Dhere	...Petitioner(s)
Versus	
Z.f. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10505 OF 2024**

Chindambar Bhimrao Kulkarni	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10506 OF 2024**

Vitthal Bhikoba Kalbhor	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10489 OF 2024**

Gulab Ananda Bhandare	...Petitioner(s)
Versus	
Z.F. Stering India Ltd,	...Respondent(s)

**WITH
Writ Petition NO. 10507 OF 2024**

Balasabeh Ramchandra Jadhav	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10490 OF 2024**

Digambar Piraji Mhaske	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10491 OF 2024**

Babasaheb Sudam Waman	...Petitioner(s)
Versus	
Z. F. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10492 OF 2024**

Ashok Kanifnath Mali	...Petitioner(s)
Versus	
Z.f. Steering India Ltd.	...Respondent(s)

**WITH
Writ Petition NO. 10508 OF 2024**

Suresh Pandharinath Tathe ...Petitioner(s)
Versus
Z. F. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10509 OF 2024

Babasaheb Kaluram Shivale ...Petitioner(s)
Versus
Z. F. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10510 OF 2024

Deepak Parshuram Chavan ...Petitioner(s)
Versus
Z. F. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10511 OF 2024

Ramesh Pandharinath Tathe ...Petitioner(s)
Versus
Z. F. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10512 OF 2024

Devidas Baban Bhandare ...Petitioner(s)
Versus
Z.f Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10513 OF 2024

Nandu Balaram Pardeshi ...Petitioner(s)
Versus
Z.f. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10514 OF 2024

Kaluram Ramchandra Dabhade ...Petitioner(s)
Versus
Z. F. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10515 OF 2024

Kailas Bhausahab Dhokale ...Petitioner(s)
Versus
Z. F. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10516 OF 2024

Ramdas Kanhu Gadute ...Petitioner(s)
Versus
Z.F. Steering India Ltd ...Respondent(s)

WITH
Writ Petition NO. 10517 OF 2024

Hanumant Hiralal Lokhande ...Petitioner(s)
Versus
Z.F Steering India Pvt ...Respondent(s)

WITH
Writ Petition NO. 10518 OF 2024

Sanjay Dashrath Tambe ...Petitioner(s)
Versus
Z.F Steering India Ltd ...Respondent(s)

WITH
Writ Petition NO. 10519 OF 2024

Yogesh Kavduji Bendale ...Petitioner(s)
Versus
Z.F Steering India Ltd ...Respondent(s)

WITH
Writ Petition NO. 10520 OF 2024

Hanumant Baburao Bande ...Petitioner(s)

Versus
Z.F. Steering India Ltd. ...Respondent(s)

WITH
Writ Petition NO. 10521 OF 2024

Bhausahab Laxman Mhalaskar ...Petitioner(s)
Versus
Z.F Steering India Ltd ...Respondent(s)

WITH
Writ Petition NO. 14291 OF 2024

Chandrakant Yashwant Tambekar ...Petitioner(s)
Versus
Z.f. Steering India Ltd ...Respondent(s)

Mr. Nitin Kulkarni *for the Petitioners.*

CORAM : SANDEEP V. MARNE, J.

DATED : 5 December 2024.

P.C. :

1) These Petitions challenge Part-I Awards on preliminary issues of fairness in the enquiry and perversity in the findings of the Enquiry Officer delivered by the Presiding Officer, Labour Court No.4, Pune, on 12 March 2024 in various References made at the instance of petitioning workmen. The Labour Court has held that the enquiry is fair, proper and in accordance with the principles of natural justice. The Labour Court further held that findings of the enquiry officer are not perverse.

2) I have heard Mr. Kulkarni, the learned counsel appearing for the Petitioners. At the outset, he would fairly submit that

Petitioners are not questioning findings of the Labour Court on issue No.1 about fairness in the enquiry. He would however submit that Petitioners are aggrieved by the findings recorded by the Labour Court on Issue No. 2 about perversity of the findings of the enquiry officer. He would submit that there is absolutely no evidence on record in support of charge levelled against workmen in the charge-sheets.

3) It appears that Petitioner-workmen essentially faced the charge of deliberately delivering less than the required output of work. It is alleged in the charge-sheet that as per the settlement on 1 December 2015, the workmen had agreed to give stipulated output of work and in lieu thereof, they were granted enhanced wages. It is alleged that during 2 January 2021 to 10 February 2021, despite availability of work as well as availability of the requisite paraphernalia for giving the requisite output, the workmen deliberately gave lesser output of work. To illustrate, in case of Sanjay Chavan, the charge-sheet alleges that he was supposed to give output of 696 units while working on Broaching machine for manufacturing Power and Mechanical Drop Arm. However, during the period from 2 January 2021 to 10 February 2021 he consistently gave lesser output on each day. The figures of expected output, given output and shortfall in the output are reflected in the charge-sheet.

4) Though the management filed evidence of Mr. Vikran Narke, the Assistant Manager Plant-I, he did not remain present for cross-

examination alleging that he was threatened by workers on 24 August 2021 while he was on his way home. Be that as it may. Since Mr. Vikrant Narke did not make himself available for cross-examination, his evidence was required to be and has been discarded. The management also examined Mr. Abhijeet Martkar, Manager-HR, who led evidence stating that the reports of production output prepared during the relevant time are signed by Mr. Vikrant Narke and that said reports were received in the HR Department. Though Mr. Kulkarni has attempted to suggest that production reports could not be admitted in evidence as Mr. Abhijeet Maratkar was not the author thereof, since the same are not signed by him, it is seen that said reports are produced from the custody of HR Department as the same were ultimately received in the HR Department. Since the Daily Production Reports have been produced in the enquiry through proper custody, they have been rightly exhibited during the course of enquiry.

5) The charge against Petitioners-employees was simple. The charge indicated the expected output as per the settlement agreement dated 1 December 2015, existence of which is not disputed. The Management produced the exact output given by each of the workmen during the relevant period through the daily production reports. Authenticity of the Daily Production Reports is not seriously disputed and it is not the case of the workmen during cross-examination of the witness-Maratkar that he deliberately fudged the reports. In fact, the workers have stated reasons in 'remarks' column of the daily productions reports for lesser

production each day, on which reliance is placed by them to justify lesser output. Therefore authenticity of output figures in the daily production reports cannot now be questioned by the workmen. Thus, the charge of failure to give expected production was clearly proved by comparison of figures of expected output and given output.

6) Further justification sought to be advanced by Mr. Kulkarni is that the management was deliberately called all the workers in single shift with a view to break the union by creating false case of lesser production. That calling all workers on same shift resulted in availability of lesser work and consequently lesser output. However, perusal of reply given by Sanjay Chavan to the charge-sheet dated 10 June 2021 does not include any such allegation.

7) The next justification sought to be given by Mr. Kulkarni is that the less work was made available to the concerned workmen, which resulted in lesser production output. Though this stand appears to have been taken by the workman-Sanjay Chavan in his reply to the charge-sheet dated 10 June 2021, the affidavit of evidence filed by said workman does not include this pretext for lesser production output. On the contrary, in the evidence led before the Enquiry Officer, the said workman attempted to raise questions about the production reports. He never stated that less production was a result of availability of lesser work.

8) The next justification sought to be put forth by Mr. Kulkarni is about various reasons for lesser production stated in the remarks columns of the daily production reports, such as power failure, etc.. However, it is difficult to fathom that for each day from 2 January 2021 to 10 February 2021, there could be reasons available such as power failure for giving the lesser production. Even otherwise, neither in the reply to the charge-sheet nor in the evidence affidavit, any contention is raised that on each day between 2 January 2021 to 10 February 2021, some or the other reason existed, on account of which the workmen concerned could not give the expected output. In fact, this defence runs counter to the other defence that sufficient work itself was not available.

9) In my view, the charge levelled against the workmen is proved by production of sufficient evidence by the management. Therefore, no error can be traced in the findings recorded by the Labour Court on Issue No.2 relating to perversity in the findings of the Enquiry Officer. I, therefore, do not find any valid reason to interfere in the impugned order dated 12 March 2024. Writ Petitions are accordingly **rejected**.

10) It is however, clarified that the Labour Court shall decide the remaining issues, particularly the issue relating to proportionality of penalty, without being influenced, in any manner, by any of the observations made by this Court in this order.

[SANDEEP V. MARNE, J.]