

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 12221 OF 2024**

Babu Purushothaman alias

P. v. Purushottaman

**V/s.**

M/s. Hallmark Diamonds

**....Petitioner**

**....Respondent**

---

**Mr. Amit Singh** *appointed through Legal Aid*

*Babu Purushotham, Petitioner in person present.*

---

**CORAM : SANDEEP V. MARNE, J.**

**Date : 5 SEPTEMBER 2024.**

**P.C. :**

1) By this Petition, the Petitioner has challenged Award dated 16 March 2024 passed by the learned Presiding Officer First Labour Court, Mumbai answering the reference partly in the affirmative.

2) The Labour Court as held that the Petitioner has been illegally terminated w.e.f. 25 August 2018. However, instead of granting reinstatement with back wages, the Labour Court has awarded lump-sum compensation Rs.2,50,000/- to the Petitioner.

3) I have heard Mr. Amit Singh Advocate appointed from the panel of legal Aid appearing for Petitioner and have considered the submissions canvassed by him.

4) It appears that the Petitioner volunteered to work with the Respondent – Company, after having crossed the age of 62 years. There appears to be no contract of service between the Petitioner and the company, under which he was guaranteed employment for any specific period. In fact there is no appointment letter issued in favour of the Petitioner. It appears that when the Petitioner filed his affidavit before the Labour Court his age was 67 years. Today, Petitioner's age is 69 years. Petitioner's expectation to get relief of reinstatement at such advanced age is therefore clearly misplaced. He otherwise had no right to remain in service of Respondent - Company in absence of any appointment letter or contract of service. I am therefore unable to find any valid reason as to why the Labour Court could have granted reinstatement to the Petitioner when he had no right to remain in service of the Respondent – company.

5) In that view of the matter, I am not inclined to interfere in the award passed by the labour Court.

6) The Writ Petition is accordingly rejected.

**[SANDEEP V. MARNE, J.]**

GAYATRI  
RAJENDRA  
SHIMPI

Digitally signed  
by GAYATRI  
RAJENDRA  
SHIMPI  
Date: 2024.09.06  
13:43:55 +0530