

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

WRIT PETITION NO. 13788 OF 2024

Shri. Parasnath Exports and Ors.

}Petitioners

: Versus :

Mohammed Ghulam Sarwar

}....Respondent

Mr. Rohit R. Pandey i/by. Mr. Dineshkumar A. Dubey, for the Petitioners.

Mr. Dinesh P. Rajbhor, for the Respondent.

CORAM : SANDEEP V. MARNE, J.

Dated : 10 October 2024.

P.C. :

1) The petition challenges the Award dated 24 May 2024 passed by the 7th Labour Court, Mumbai answering the Reference in the affirmative and holding the termination of Respondent-Workmen w.e.f. 15 July 2020 to be illegal. However, instead of granting the relief of reinstatement and backwages, the Labour Court has directed payment of lumpsum compensation of Rs.4,00,000/-.

2) I have heard Mr. Pandey, the learned counsel appearing for the Petitioner and Mr. Rajbhor, the learned counsel appearing for the Respondent-employee.

3) After having considered the submissions canvassed by the learned counsel appearing for the parties, it appears that there was a debate before the Labour Court about the manner in which Respondent-Workman ceased to be in the employment of the Petitioner. While the Petitioner contended that Respondent tendered resignation, it was the case of the Respondent-employee that he was orally terminated from service on 15 July 2020. In support of his contention of resignation, Petitioner relied upon letter dated 16 July 2020. The Labour Court had undertaken the exercise of comparing the signature on the said letter dated 16 July 2020 with the admitted signature of the Respondent on various documents and has arrived at a finding of fact that the letter dated 16 July 2020 does not bear the signature of the Respondent-employee.

4) It otherwise appears questionable as to how an employee tendering resignation would write the details of cheques therein. The Respondent-employee took a stand that his wages for the months of June and July and leave encashment were due and the same were paid to him vide three cheques dated 16 July 2020. The witness for the Petitioner has admitted during the course of cross-examination that three months wages were due to the Respondent-employee.

5) After considering the entire evidence on record, the Labour Court has refused to accept the theory of resignation put forward by the Petitioner and has rightly held that the services of the Respondent were terminated on 15 July 2020. In exercise of writ jurisdiction, it would not be open for this Court to interfere in the said finding of fact in absence of any palpable error.

6) Despite the termination being found illegal, the Labour Court has not awarded the relief of reinstatement and backwages. Instead, lumpsum compensation of Rs.4,00,000/- is directed to be paid to the Respondent. In that view of the matter, I am not inclined to interfere in the impugned Award. The Writ Petition is accordingly **rejected.**

[SANDEEP V. MARNE, J.]

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