



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No.2634/2024
(Harish V M/s Lloyds Steel Industries Ltd)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. Gayatri Mohite, Advocate for petitioner.
Mr. V.P. Marpakwar, Advocate for respondent.

CORAM : N.R. Borkar, J.
DATE : 28-08-2024.

This petition takes exception to the judgment and order dated 14-06-2023 passed by learned Industrial Court in Revision Application (ULP) No.134/2016.

ii. The petitioner was working with the respondent herein as Technician. In the year 2006 the petitioner was dismissed from service. Against the order of dismissal complaint was filed before the learned Labour Court. By the judgment and order dated 20-03-2006, the said complaint was allowed and order of dismissal was set aside. The reinstatement was ordered, however, relief of backwages was turned down.

iii. Two revisions were filed before the learned Industrial Court against the judgment and order passed by the learned Labour Court; one by the petitioner against the order of refusing backwages and another by the respondent against the order of

reinstatement. By the judgment and order dated 31-01-2007, the revision filed by the respondent was dismissed and the revision filed by the present petitioner was allowed. The learned Industrial Court directed the respondent to pay full backwages to the petitioner.

iv. The judgment and order passed by the learned Industrial Court was challenged before this Court and two Writ Petitions were filed by the respondent being Writ Petition Nos.2150/2007 and 2151/2007. This Court, by order dated 21-06-2012, did not interfere with the order of reinstatement, however, as regards the backwages, the matter was remitted back to the learned Labour Court for deciding it afresh. After remand, the learned Labour Court by judgment and order dated 30-04-2016, directed the respondent to pay to the petitioner 50% backwages.

v. The respondent being aggrieved by the judgment and order dated 30-04-2016 passed by the learned Labour Court filed the revision before the learned Industrial Court. By the order impugned, the learned Industrial Court has allowed the revision

and has quashed the order of the learned Labour Court in respect of backwages.

vi. The learned Industrial Court for setting aside the order of backwages has recorded the following findings :-

"15. According to me, while deciding the issue of back wages, the Learned Labour Court has totally ignored the aspect that the Complainant in his earlier Affidavit-in-Chief, filed on 30-06-2005, had stated that he had made efforts for employment after his dismissal, however due to his stigmatic dismissal, he was not able to get any employment. It is also worthwhile to understand that the fact in respect of gainful employment of the Complainant was brought by the Petitioner for the first time in Writ Petition before Hon'ble High Court, when it received documents from the Provident Fund Department showing that the Complainant was employed elsewhere after his dismissal. The Hon'ble High Court in the Writ Petition considered these aspects and remanded the matter to Learned Labour Court for enquiry only with respect to entitlement of the Complainant to back wages. Thereafter for the first time after the matter was remanded, the Complainant disclosed in his subsequent Affidavit that he was working elsewhere after the dismissal. Therefore, it is a clear cut case of perjury by the complainant, which is quite evident from the record."

vii. The petitioner in his affidavit of examination-in-chief dated 30-07-2005 had lied that he was unemployed though he

was gainfully employed and on the basis of the said evidence full backwages were granted to him.

viii. Considering the fact that petitioner had lied on oath, and therefore I am not inclined to interfere with the order impugned. The petition is dismissed.

(N.R. Borkar, J.)