

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

WRIT PETITION NO.1298 OF 2024

M/s. Q.H. Talbros Pvt. Ltd.
V/S

....Petitioner

Santosh Balu Raut

....Respondent

Mr. Kiran Bapat, Senior Advocate a/w Mr. Prashant Bhat *for the Petitioners.*

Mr. Kalpesh Patil *for Respondent.*

CORAM: SANDEEP V. MARNE, J.
DATE : 10 MARCH 2025.

P.C.:

1. The Petition challenges order dated 11 September 2023 passed by the learned Judge, Labour Court, Satara partly allowing Application at Exhibit-U4 filed by the Respondent-workman and directing the Petitioner-employer to deposit 25% of wages of the Respondent-workman from the date of the order till final disposal of the Reference with further permission to the Respondent-workmen to withdraw the said deposited amount.

2. I have heard Mr. Bapat, the learned Senior Advocate appearing for the Petitioner and Mr. Patil, the learned counsel appearing for the Respondent-workmen. I have gone through the reasons recorded by the learned Judge, Labour Court in the

impugned order dated 11 September 2023 as well as the relevant records of the case filed alongwith the Petition.

3. Perusal of the charge levelled against the Respondent-workman in the charge-sheet dated 2 February 2019 would *prima facie* indicate that the same is in respect of annual get together organized by the Petitioner-employer in which the Respondent-workman allegedly participated in an inebriated state and upon being enquired as to whether he had consumed alcohol, he answered in the affirmative. After being informed the annual gettogethers would be discontinued from the next year if workmen were to participate in intoxicated state, Respondent-workman challenged the higher officials and told them to discontinue the gettogethers from the next year.

4. Even if it is held that the enquiry against the Respondent-workman is fair and proper and the findings of the Enquiry Officer are not perverse, *prima facie* it is difficult to believe that the charge levelled against Respondent-workman was serious in so as to entail the punishment of removal from service. The incident has admittedly not occurred at work place or during duty hours. Though the annual gettogethers was held at the instance of the employer, that too in accordance with the settlement, ultimately the misconduct is outside the work place and not during the duty hours. Also the conduct exhibited by the Respondent-workman does not appear to be serious enough so as

to warrant extreme punishment of termination from services. These are ofcourse *prima facie* findings recorded by this Court which shall not have any impact on the Labour Court finally deciding the Reference.

5. In my view therefore, the order passed by the Labour Court directing deposit of 25% wages does not warrant any interference. However I am of the view that the Respondent-workman cannot be permitted to withdraw the deposited amount. Deposit of amount of 25% of wages would ensure that some part of back-wages of the Respondent-workman are secured. However in the event he is permitted to withdraw the same even before the preliminary as well as final issues are determined, it would be difficult for the Petitioner-employer to recover the same in the event of the Reference being answered in the negative. Therefore second part of the impugned order which permits withdrawal of the deposited amount needs to be set aside. Instead the Labour Court can be requested to expedite hearing of Reference (IDA) No.11 of 2022 which is pending for last three years.

6. Accordingly I proceed to pass the following order:

i) Order dated 11 September 2023 passed by the learned Judge, Labour Court, Satara in Reference (IDA) No.11 of 2022 is upheld to the extent of direction for deposit of 25% wages from the date of order till final disposal of the Reference.

ii) The direction for withdrawal of deposited amount by Respondent-workman is however set aside. The Labour Court shall invest the deposited amount in interest bearing deposits.

iii) The Labour Court shall expedite hearing of Reference (IDA) No.11 of 2022 and shall make an endeavour to decide the same expeditiously as possible, preferably within a period of one year.

7. With the above directions, Writ Petition is partly allowed and **disposed of**.

8. It is once again clarified that the Labour Court shall not take into consideration any of the observations made by this Court while deciding the Reference finally. The Labour Court shall also be at liberty to take into consideration the past misconduct of the Respondent-workman while deciding the issue of proportionality of penalty.

(SANDEEP V. MARNE, J.)

SUDARSHAN
RAJALINGAM
KATKAM
Digitally signed
by SUDARSHAN
RAJALINGAM
KATKAM
Date: 2025.03.17
14:48:56 +0530