

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1223 OF 2025

Ganpat Namdev More

....*Petitioner*

: *Versus* :

Mahatma Gandhi Vidyamandir

....*Respondent*

Ms. Anubha Rastogi, i/by. Ms. Bhavana Mhatre, for the Petitioner.

CORAM : SANDEEP V. MARNE, J.

Dated : 30 January 2025.

P.C. :

1) The petition challenges the Award dated 27 February 2024 passed by the Presiding Officer, 2nd Labour Court, Nashik by which Reference made with regard to reinstatement of the Petitioner has been answered in the negative.

2) I have heard Ms. Rastogi, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by her. I have also gone through the findings recorded by the Labour Court in the impugned order, as well as the pleadings and evidence produced before the Labour Court which is placed on record alongwith the petition.

3) Before the Labour Court, there was a basic confusion about the exact date of termination of the Petitioner. He came up with a case that his services were orally terminated on 11 April 2018.

The employer, on the other hand, contended that the last spell of his appointment was made on 17 February 2018 for a period from 19 February 2018 to 18 February 2020 by placing him on probation. The employer further contended that due to unsatisfactory services rendered by the Petitioner, his services were terminated by letter dated 11 February 2020.

4) The Petitioner now contends that the whole theory of termination of earlier spell of service on 3 January 2018, fresh appointment issued on 17 February 2018 and alleged termination letter dated 11 February 2020 is totally false and that the concerned documents have been manufactured by the employer by way of an afterthought. It is Petitioner's contention that he received copies of those documents only when the matter was taken in conciliation. Thus as per the admission given by the Petitioner, he possessed the documents being termination letter dated 3 January 2018, appointment order dated 17 February 2018 and second termination order dated 11 February 2020 before he filed his Statement of Claim on 15 November 2021. However in the entire Statement of Claim, there is not even a whisper about the said documents being manufactured or that the defence set up by the employer about continuation of his services till 11 February 2020 being false. Similar is the case in the Affidavit of evidence filed by the Petitioner on 8 March 2022 in which again he did not make any efforts to deal with the first termination letter dated 3 January 2018, re-appointment order dated 17 February 2018 and last termination order dated 11 February 2020. The employer, on the other hand, gave evidence about Petitioner's earlier termination, his fresh appointment on 17 February 2018 and his termination on account of failure to complete the period of

probation on 11 February 2020. Thus, the Labour Court had before it evidence of behalf of the Management about termination of the Petitioner being effected on 11 February 2020 due to non-completion of probation period satisfactorily and absence of any pleading or evidence on the part of the Petitioner to rebut the above position. In my view, in the light of no attempt being made on the part of the Petitioner to even deal with the letters dated 3 January 2018, 17 February 2018 and 11 February 2020, the Labour Court cannot really be faulted in holding that Petitioner's services were indeed terminated on 11 February 2020 by way of a specific letter thereby falsifying his claim of oral termination on 11 February 2018. Mere surmise raised by the Petitioner that he did not receive any salary after 15 January 2018 would not be enough for rebutting concrete evidence produced by the employer showing his termination being effected on 11 February 2020.

5) I therefore do not find any palpable error in the impugned Award passed by the Labour Court. The petition being devoid of merits is accordingly **rejected**.

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[SANDEEP V. MARNE, J.]