

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

**WRIT PETITION NO.9270 OF 2024
WITH
INTERIM APPLICATION NO.10792 OF 2024
IN
WRIT PETITION NO.9270 OF 2024**

M/s. Blind Relief Association

...Petitioner

V/s.

Chandrakant Dattaram Agre

...Respondent

Ms. Deepali Kamble *for the Petitioner.*

Mr. Ravindra Pal *for the Respondent.*

CORAM: SANDEEP V. MARNE, J.

Dated: 6 MAY 2025.

P.C.:

1) Petition challenges Award dated 21 February 2024 passed by the Presiding Officer, Third Labour Court, Mumbai, answering Reference (IDA) No.90 of 2018 partly in the affirmative and directing payment of lumpsum compensation of Rs.4,00,000/- to the Respondent.

2) I have heard Ms. Kamble, the learned counsel appearing for the Petitioner and Mr. Pal, the learned counsel appearing for the Respondent. I have considered the submissions

canvassed by them and have also gone through the findings recorded by the Labour Court in the impugned Award, so also various documents filed alongwith the Petition and the Interim Application.

3) Though it appears that services of the Respondent were sought to be terminated by letter dated 4 January 2000, the Respondent had approached the Social Welfare Officer, who had directed the Petitioner not to terminate his services, by letter dated 26 June 2000 as his services could not be terminated without seeking prior permission of the District Social Welfare Officer. Thereafter the issue was discussed between the Petitioner-Management and the office of Social Welfare Officer and ultimately the Petitioner decided to conduct a fresh enquiry against Respondent in the meeting held on 8 May 2010. It is the Petitioner's case that Respondent did not co-operate in conduct of such enquiry. Thereafter Respondent filed statement of justification before the Labour Commissioner and letter dated 5 February 2018 was issued to the Petitioner admitting the dispute in conciliation. After the conciliation proceedings resulted in failure, Reference was made at the instance of the Respondent to the third Labour Court, which was registered as Reference (IDA) No.90 of 2018. In that view of the matter it cannot be contended that the Respondent sought to agitate the issue of his termination effected in the year 2000 for the first time in 2018. The period upto 8 May 2010 is clearly explained as

the Petitioner had expressed willingness to conduct fresh enquiry against the Respondent.

4) The Tribunal has considered the charge levelled against the Respondent. He faced the allegation of entering into girl's hostel during night time. The Tribunal has taken into consideration the fact that after entering into the girl's hostel, Respondent did not commit any further misconduct. True it is that entering into hostel meant for visually challenged girls by a watchman amounts to a serious misconduct. However, considering the facts and circumstances of the present case, the Labour Court has proceeded to award only lumpsum compensation of Rs.4,00,000/- in favour of the Respondent. He was placed under suspension on 12 August 1999 and remained out of service till he crossed the age of retirement in the year 2017. The only relief granted by the Labour Court is in the form of lumpsum compensation of Rs.4,00,000/-. Considering these facts and circumstances, I am not inclined to interfere in the impugned Award. The Petition is accordingly **rejected**.

5) Interim Application stands disposed of.

[SANDEEP V. MARNE, J.]