

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 805 OF 2025

Ashok Salunke

... **Petitioner**

Versus

The State of Maharashtra and Ors

... **Respondents**

Mr. Mahesh Vishwakarma *a/w Ms. Gauri S. B. i/b Ms. Megha A Jain for the Petitioner.*

Mrs. V. S. Nimbalkar, *AGP for Respondent No.1-State.*

CORAM : SANDEEP V. MARNE, J.

DATE : 22 JANUARY 2025.

P.C. :

1) The Petition challenges Judgment and Order dated 12 December 2022 passed by the Member Industrial Court, Thane, dismissing the Revision (ULP) No. 41 of 2019 and confirming the judgment and order dated 20 June 2019 passed by Judge Second Labour Court, Thane, dismissing the Complaint (ULP) No. 117 of 2015. In the said Complaint Petitioner's termination was under challenge. In the chargesheet issued to the Petitioner he was accused of participating in violent demonstrations on 14 December 2012 alongwith 60-70 other workers. That he abused the senior officers of the company in vulgar language, attempted to assault them and caused damage to the property of the company. It appears that the Petitioner tendered apology in respect of his conduct by submitting

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letter dated 15 April 2013. Nonetheless, enquiry was conducted against the Petitioner in which two management witnesses Shri. Ganesh Suryarao and Shri. Manoj Paranjape were examined. I have gone through the depositions of the said two management witnesses as reflected in the report of the enquiry officer. In my view, both the witnesses have given detailed account of the misconduct committed by the Petitioner. The depositions of the said two witnesses would indicate misconduct on the part of the Petitioner in hurling vulgar abuses to the superior officers and causing damage to the company of the property. In fact the agitations by the workers were so violent that they in fact attempted to put the conference hall on fire by pouring diesel. It is only after the police arrived that the concerned workers fled away from the scene. The witness has produced photographs during the course of enquiry. The company has suffered loss to the tune of Rs.23,00,000/-. In my view, therefore there is sufficient evidence on record to prove the misconduct against the Petitioner. Additionally, he has tendered apology to the management.

2) In the order dated 25 September 2018 the Labour Court answered the preliminary points relating to fairness in the enquiry and perversity in the finding of the enquiry officer against the Petitioner. Since the misconduct is serious, the complaint came to be dismissed by final judgment and order dated 20 June 2019 holding that the punishment of termination is not disproportionate to the proved misconduct. The Industrial Court has once again considered the evidence on record in exercise of its revisionary jurisdiction under Section 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.(MRTU &

PULP Act) and has not been able to notice any perversity in the finding recorded by the Labour Court.

3) Considering concurrent findings recorded by the Labour Court and the Industrial Court and in the light of availability of the sufficient evidence on record, I am not inclined to interfere in the orders passed by the Labour Court and the Industrial Court. Writ Petition is devoid of merits. It is accordingly **dismissed**, without any order as to costs.

[SANDEEP V. MARNE, J.]