

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

WRIT PETITION NO.3554 OF 2025

Smt. Rajashree Sandesh Kabare

...Petitioner

V/s.

M/s. S.L. Raheja Hospital

...Respondent

Mr. Y.B. Lengare with Mr. Aditya K. Gaikwad for the Petitioner.

CORAM: SANDEEP V. MARNE, J.

Dated: 13 March 2025.

P.C.:

1) Petition challenges award dated 18 October 2024 passed by the Presiding Officer, 10th Labour Court, Mumbai, answering Reference (IDA) No.28 of 2019 in the negative.

2) I have heard Mr. Lengare, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him. I have also gone through the findings recorded by the Labour Court in the impugned award as well as the records of the case produced alongwith the Petition.

3) Petitioner faced grave charge of misappropriation of Rs.1,200/-. She apparently admitted the mistake on her part vide letter dated 17 March 2017. Petitioner's letter dated 17 March 2017 would indicate that she had carried amount of Rs.1,200/- with herself by misrepresenting the fellow cashier that

Rs.1,200/- were deposited by some patient in excess. However, it transpired that deposit of Rs.1,200/- was not in excess and the Petitioner had actually pocketed the said amount. It is only after the Chief Cashier informed the Petitioner that Rs.1,200/- was found short that she ultimately refunded the said amount on the following day. During the course of disciplinary enquiry, Petitioner did not disown her voluntary statement nor took up a plea that the statement was given by her under force or coercion. The management examined the witness-Komal Challa, who led evidence not only of Petitioner's letter of admission but also gave evidence about letter dated 9 March 2017 in which Petitioner has expressed apology. Petitioner has not produced letter dated 9 March 2017 which was marked at Exhibit-5 in evidence. The subsequent letter dated 17 March 2017 is a reply to the show cause notice dated 11 March 2017. Even in the reply to the show cause notice, Petitioner virtually admitted the charge of temporary misappropriation. There are thus, at least two admissions on the part of the Petitioner in the form of letters dated 9 March 2017 and 17 March 2017. In my view therefore, there is sufficient evidence on record to bring home the charge of misappropriation against the Petitioner. No interference is therefore warranted in the impugned award.

4) Petition is accordingly rejected.

[SANDEEP V. MARNE, J.]