

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5090 OF 2025

Shankar Sunil Sasane] *Petitioner*

: *Versus* :

The Manager (Vyasvasthapak)
Bal Yeshu Mandir] *Respondent*

Ms. Chaitrali Deshmukh, *for the Petitioner.*

CORAM : SANDEEP V. MARNE, J.

DATED : 28 APRIL 2025.

P.C. :

1) The petition challenges Award dated 28 June 2024 passed by the Presiding Officer, First Labour Court, Nashik in Reference (IDA) No.20/2019 answering the Reference partly in the affirmative holding that the termination of the Petitioner is illegal. Though the Petitioner has succeeded in seeking a declaration of termination being illegal, he has still filed the present petition challenging the Award dated 28 June 2024 as the same does not grant him the relief of reinstatement, continuity and backwages. Instead, the Labour Court has awarded lumpsum compensation of Rs.1,00,000/- to the Petitioner in lieu of reinstatement and backwages.

2) I have heard Ms. Deshmukh, 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, as well as, the pleadings and relevant documents placed alongwith the petition.

3) The Petitioner filed Statement of Claim in Reference (IDA) No.20/2019 pleading therein that he was terminated orally w.e.f. 20 June 2018 by not permitting him to join the duties after he became physically fit. The relevant pleadings in para-4 of the Statement of Claim reads thus :

4. It is submitted that, since the 2nd party workman started requesting the 1st party employer to give him original copy of the signed confirmation letter the 1st party refused to give the original letter and started harassment of the 2nd party workman. This harassment took a toll on mental state of the 2nd party workman and he tried to commit suicide. However, with the timely treatment the 2nd party workman could survive this suicide attempt. While 2nd party workman was under treatment in the hospital the 1st party assured the 2nd party that there will be no harassment on the duty and he should come and join the duties after he is well. Hence, after 2nd party workman became physically fit to join the duties he approached the 1st party for letting him to join the duties on 20/06/2018 however the 1st party refused to let the 2nd party join the duties and said that your services are no more required.

4) Perusal of para-4 of the Statement of Claim would create a picture as if the Petitioner was sick prior to 20 June 2018. He claimed that action on the part of the Respondent-Management in not releasing his confirmation letter took a mental toll on him when he attempted to commit suicide. He was kept under treatment in the hospital and presented himself to resume the duties on 20 June 2018 after securing the Certificate of fitness. Further, the pleadings in para-4 of the Statement of Claim creates a picture as if the incident of attempted suicide occurred before 20 June 2018. However, the Petitioner has relied upon medical documents to indicate as if he took treatment relating to attempted suicide after 22 June 2018. He has relied upon Discharge

Summary of the Hospital showing admission on 22 June 2018 and discharge on 25 June 2018. Thus, there appears to be clear inconsistency in the claim of termination being effected on 20 June 2018. There is also apparent inconsistency in the claim of failed attempt of suicide and the medical documents relied upon by him.

5) The Labour Court has held the termination to be illegal on account of non-following of provisions of the Industrial Disputes Act, 1947. Even if provisions of the Industrial Disputes Act were to be followed, the Petitioner would have secured one month's notice, as well as retrenchment compensation. Petitioner admitted during the course of his cross-examination that he was gainfully employed and was drawing salary more than the one that he could have earned in the Respondent-Church. Curiously, he did not make any statement in the affidavit of evidence to show absence of gainful employment. Considering the above factors, the Labour Court has thought it appropriate to award lumpsum compensation of Rs.1,00,000/- to the Petitioner in lieu of reinstatement and backwages. The approach of the learned Labour court does not suffer from patent illegality for this Court to interfere in exercise of jurisdiction under Article 227 of the Constitution of India. No interference is therefore warranted in the impugned order at the instance of the Petitioner. The petition is accordingly **rejected**.

NEETA
SHAILESH
SAWANT

Digitally signed
by NEETA
SHAILESH
SAWANT
Date:
2025.04.30
14:30:20
+0530

[SANDEEP V. MARNE, J.]