

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7793 OF 2025

Rajkumar Harishankar Jaiswal

.. Petitioner

Versus

Mohit Synthetic Pvt Ltd & Ors.

.. Respondents

.....

- Mr. Vaibhav Jagdale, Advocate for Petitioner
- Ms. Shamika Dabke i/by Mr. Karnik, Advocate for Respondent Nos. 2 to 4

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 24, 2025

P. C.:

1. Heard Mr. Jagdale, learned Advocate for Petitioner and Ms. Dabke, learned Advocate for Respondent Nos. 2 to 4.

2. Present Writ Petition impugns the Award dated 03.07.2024 passed in Reference (IDA) No. 119 of 2018 by learned Labour Court, Thane whereby learned Labour Court has come to the conclusion that despite services of Petitioner having been illegally terminated by employer w.e.f. 10.08.2017 in view of the constrained relationship between the parties which may lead to disharmony and discontent, the relief of backwages is required to be moulded by grant of lumpsum compensation.

3. Mr. Jagdale would pursue the Court to consider the fact that arriving at the aforesaid finding is contrary to settled principles of law

especially in the facts of the present case when the Labour Court has categorically come to a definite conclusion that services of Petitioner were in fact terminated illegally by employer and despite his services having been illegally terminated by the employer, employer had not produced any iota of evidence before the Labour Court in trial. He would submit that if the reasoning given in respect of the answers to issue Nos. 1 and 2 are perused by Court, it would be evident that the allegation of the employer that Petitioner did not report to work and remained absent has been comprehensively rejected on the basis of the evidence led by Petitioner and the omission of the employer in not placing on record any material against the Petitioner in respect of the alleged case of employer.

4. The documentary evidence placed on record and as discussed in the impugned order *prima facie* shows that Petitioner was made to work on winding machine in the establishment of employer for 12 hours and was paid only for 7 hours and when he demanded to be paid after serving the employer for more than 11 years in such fashion, the employer orally terminated his services and did not allow him to work. The findings returned while answering issue Nos. 1 and 2 as appearing in paragraph Nos. 10 to 19 *prima facie* inspires confidence of the Court. However the findings rendered and returned in respect of deciding issue No. 4 whereby the Court has in its discretion

attempting to mould the relief by grant of lumpsum compensation is *prima facie* on the face of record not in consonance with the findings arrived at while deciding issue Nos. 1, 2 and 3.

5. *Prima facie* I am not in agreement with the moulded relief awarded by Labour Court while deciding issue No. 4 when the same Court has comprehensively answered issue Nos. 1 to 3 in favour of Petitioner – employer.

6. In view of the above, an arguable case is made out by Mr. Jagdale for interference of this Court in the impugned Award and for issuance of notice. Hence, issue notice to the Respondents made returnable on 03.07.2025. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondents and inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date. After receiving the notice, Respondents to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner.

7. Mr. Jagdale would inform the Court that service on Petitioner has already been effected on Respondents.

8. At this stage, Ms. Dabke, learned Advocate appears for Respondent Nos. 2 to 4 - employer. She would submit that her senior is not keeping well and therefore this Court be pleased to adjourn the Petition.

9. In view of the aforesaid timeline and the decision involved, it is clarified that on the next adjourned date, present Petition shall be heard and decided at the admission stage itself which shall be noted by Advocate for Respondent Nos. 2 to 4.

10. List the Petition on **3rd July, 2025** under the caption "**for Circulation**".

[MILIND N. JADHAV, J.]

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