

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11408 OF 2025

Baljinder Kaur Nangal Chopra

.. Petitioner

Versus

M/s. Alfa Laval India Pvt Ltd

.. Respondent

-
- Mr. Nitin A. Kulkarni, Advocate for Petitioner
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CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 26, 2025

P. C.:

1. Heard Mr. Kulkarni, learned Advocate for Petitioner.
2. Petitioner before me is the employee whose services were terminated by termination letter dated 19.06.2020 appended at page No. 32, Exh. "B" of the Petition by merely stating that it is on the basis of the terms of her employment contract with the Company. Save and except this statement, there are no reasons given in the said termination letter.
3. Before the Labour Court, Respondent employer filed its written statement in 2020. Complaint (ULP) No. 53/2020 is pending before the Labour Court. Deposition of both the parties on Part-I has been completed and Petitioner has been held to be a workman. On the merits of the matter *qua* termination, the evidence is in progress at present before Labour Court. Respondent employer filed Application

below Exh. C-44 after a hiatus of 4 years, copy of which is appended at page Nos. 106-115, Exh. 'J' of the Petition by virtue of which he sought to introduce the reasons for termination of the employee on the ground of shortcomings in work, misconduct, negligence and non-performance of duties. Learned Labour Court dismissed the Application with a reasoned order dated 01.04.2025 appended at page Nos. 122-128, Exh. "L of Petition by concluding that the said Application amounted to changing the nature of defence adopted by the employer in its written statement and most importantly improving the evidence subsequently which is absent in the termination letter issued to the employee.

4. The employer challenged the order dated 01.04.2025 in Revision under Section 44 before the Industrial Court. Industrial Court by virtue of the impugned judgment dated 04.08.2025 allowed the Revision by concluding that by virtue of rejection of Exh. C-44, learned Labour Court has virtually allowed the Complaint filed by Petitioner by denying an opportunity to the employer to rely on the reasons for termination.

5. *Prima facie* when the termination letter dated 19.06.2020 is seen, it is evident that no reasons are given in the said letter. However in the impugned order it is held that Court has come to the conclusion that Application below Exh. C-44 deserves to be allowed as it would

neither change the nature of Complaint nor it will cause any prejudice to the employee and it shall be open to the Petitioner employee to rebut the defence. This finding *prima facie* in my opinion amounts to allowing the employer to improve its defence when the termination letter is silent on the grounds.

6. After perusing the impugned judgment dated 04.08.2025 which incidentally awards substantial costs to the Petitioner employee, I am of the opinion that an arguable case is made out by Mr. Kulkarni for issuance of notice to the Respondent. Hence, issue notice to the Respondent made returnable on 11.09.2025. 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 Respondent and inform 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.

7. After receiving the notice, Respondent to file affidavit-in-reply on or before the next date, if so desired with an advance copy to the Advocate for Petitioner.

8. Respondent is directed to remain present through its authorized representative or through its Advocate on the next adjourned date. It is made clear that if Respondent remains absent despite service on the

next adjourned date, this Writ Petition shall be heard and disposed of at the stage of admission in the absence of the Respondent. Considering the fact that Complaint has remained pending for more than 5 years every endeavour shall be made by the Court to dispose of the Petition at the stage of admission on the next adjourned date.

9. In the meanwhile, proceedings before the Labour Court are directed to be stayed until the present Petition is determined by this Court.

10. Stand over to 11th September, 2025.

[MILIND N. JADHAV, J.]

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Digitally signed
by RAVINDRA
MOHAN
AMBERKAR
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2025.08.26
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