

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14382 OF 2025**

M/s. City Cops Facility Services	...	Petitioner
vs.		
Vijay Shankar Sharma and another	...	Respondents

Mr. Shailesh S. Pathak for petitioner.

CORAM : MANISH PITALE, J
DATE : 20th NOVEMBER, 2025

P.C. :

. Heard learned counsel for the petitioner.

2. By this petition, the petitioner has challenged an award dated 19.11.2022 passed by 11th Labour Court, Mumbai in Reference(IDA) No.295 of 2017. By the said award, a reference made to the said Court has been answered partly in affirmative. Accordingly, it has been declared that respondent No.1 is entitled for reinstatement with continuity of service and backwages from 17.02.2016. The petitioner has been directed to reinstate respondent No.1 and pay him backwages to the extent of 50%.

3. It is to be noted that although the award was passed 3 years ago on 19.11.2022, the petitioner has chosen to challenge the same after 3 years by way of the instant petition filed in August 2025. This Court is informed that respondent No.1 is pursuing execution of the impugned award before the office of the Labour Commissioner.

4. The learned counsel for the petitioner submitted that this petition deserves consideration, for the reason that in the first place,

there is nothing to show that the petitioner had terminated the services of respondent No.1. It was further submitted that the question as to whether the petitioner alone could be said to be in an employee-employer relationship with respondent No.1, was also a controversy, requiring resolution in the present petition. It was further submitted that on 30.04.2025, in reply to an offer made on behalf of the petitioner before the Assistant Labour Commissioner, for the respondent No.1 to join, he took a stand that he would be ready to join duties, only if his back-wages were paid from the date of termination of his service i.e. 17.02.2016. It was submitted that since arguable questions arise in this petition and backwages to the extent directed in the impugned award, could be deposited in this Court, notice may be issued.

5. A perusal of the documents on record and contents of the impugned award, show that respondent No.1 was being paid salary to the extent of merely ₹ 8,000/- for working as a security guard.

6. The discussion in the impugned award regarding issue No.1 shows that after perusing the evidence and material on record, including admissions given on behalf of the petitioner, the Labour Court came to a considered conclusion that only the petitioner was in employee-employer relationship with respondent No.1. The record demonstrated that the salary of respondent No.1 was being paid from the account of the petitioner, who was providing services to various entities with regard to security guards and other such services. The Labour Court, in the impugned award, took oral and documentary evidence into consideration and applying the settled position of law, came to a considered conclusion that respondent No.1 was under control and supervision of the petitioner only. The

finding rendered on issue No.1 is found to be based on cogent reasoning and an appropriate appreciation of facts and law.

7. Issue No.2 decided by the Labour Court in the impugned award, concerns the question of illegal termination of service of respondent No.1 with effect from 17.02.2016. It was vehemently submitted by the learned counsel appearing for the petitioner that respondent No.1 failed to produce any material to indicate actual termination of service by the petitioner at any point of time. It was submitted that in the absence of any material, the Labour Court could not have proceeded against petitioner and in favour of respondent No.1 in that regard.

8. This Court has perused the finding rendered by the Labour Court in the impugned award with regard to the aforesaid issue. It has been found, as a matter of fact, that the service of respondent No.1 as security guard with respondent No.2, as deputed by the petitioner, was terminated, for the reason that on 18.12.2016, an incident occurred and respondent No.1 was prevented from performing his duty. The Labour Court found that this was clearly a case of oral termination of service and that the grievance of respondent No.1, was well-founded. There was no notice or payment in lieu of notice for one month along with retrenchment compensation and no steps were taken in that regard by the actual employer i.e. the petitioner before this Court. Hence, the finding rendered by the Labour Court with respect to issue No.2, is also found to be sustainable.

9. As regards back-wages, the Labour Court, in the impugned award, referred to the position of law, as recognized by the Supreme

Court in the cases of *Deepali Gundu Surwase vs. Kranti Junior Adhyapak Mahavidyalaya (D.Ed.) and others* [(2013) 10 SCC 324] as also, *Tapash Kumar Paul vs. BSNL and others* [(2014) 15 SCC 313]. The Labour Court also took into consideration a specific averment of respondent No.1 that after such termination of service, he remained unemployed and upon taking efforts to get some work, he used to do some odd jobs and part-time work for a meagre amount of ₹ 3,000 to ₹ 4,000 per month. This factor was also taken into consideration by the Labour Court to restrict the back-wages only to 50% with effect from 17.02.2016.

10. This Court is of the opinion that the impugned award considers the rival submissions in the correct perspective and on the basis of proper appreciation of the pleadings and material on record as also the applicable law, the reference has been answered partly in the affirmative in favour of respondent No.1. No case is made out by the petitioner for exercising writ jurisdiction to interfere with such a well-reasoned award.

11. Hence, the writ petition is dismissed.

12. The office of the Labour Commissioner shall be informed about the order passed in this writ petition.

(MANISH PITALE, J.)