

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.2641 OF 2024

Gopal Bhaskar Dafale
V/S
Huechem Textiles Ltd.

....Petitioner

....Respondent

Mr. R.D. Bhat *for the Petitioner.*
Mr. Prithvi Raj Singh *for Respondent.*

CORAM : SANDEEP V. MARNE, J.
DATE : 4 DECEMBER 2025.

P.C.:

1. The Petition challenges Award dated 18 October 2023 passed by the learned Presiding Officer, 8th Labour Court, Mumbai, answering Reference (IDA) No.158/D-2019 in the negative. The Reference was made to the Labour Court in respect of alleged termination of services of the Respondent on 13 July 2018 and in respect of his demand for reinstatement.

2. I have heard Mr. Bhat, the learned counsel appearing for Petitioner-employee and Mr. Singh, the learned counsel appearing for Respondent-employer. I have gone through the findings recorded by the Labour Court in the impugned order. I have also perused the evidence and other records of the case filed alongwith the Writ Petition.

3. It appears that the Petitioner complains that his services were illegally terminated on 13 July 2018. On the other hand, it is the case of the Respondent-employer that the Petitioner tendered resignation and stopped attending duties after 13 July 2018. There is no dispute to the position that Respondent has issued experience-cum-relieving letter dated 13 July 2018 recognizing services of the Petitioner from 16 January 2004 to 13 July 2018. In his cross-examination, Petitioner admitted that the relieving letter was given to him on 13 July 2018. Thus, the Petitioner collected the experience certificate on 13 July 2018. If he had any grievance about his cessation of services, he would have immediately questioned the act of issuance of experience-cum-relieving letter. Far from doing so, he maintained silence. He later turned around and raised demand before the Labour Commissioner on 30 November 2018. The act of the Petitioner in maintaining silence after acceptance of experience-cum-relieving letter on 13 July 2018 does not appear to be natural. It indicates an act of voluntary cessation from services.

4. To make the case worst for Petitioner, he made following admissions in his cross-examination:

16. After 14/07/2018 I wanted gratuity. It is true to say that; I went in the First Party company and discussed about the gratuity. Amount of my gratuity was not finalized. My gratuity was not settled, therefore, I went to the Govt. Labour Officer. Gratuity matter could not be settled before Labour officer, therefore, he told me to proceed further. Therefore, I approached to this Court. This reference is for gratuity.

5. Petitioner thus specifically admitted before the Labour Court that his main grievance was relating to gratuity. Even in his demand letter dated 30 November 2018, he referred to the company denying gratuity in respect of his part services and had showed willingness to

pay gratuity only in respect of four years of services. Thus, the Petitioner's real grouse for approaching the Labour Court appears to be in respect of gratuity. He specifically admitted so in his cross-examination and did not support the case pleaded in the Statement of Claim.

6. The Labour Court has evaluated the entire evidence on record and has thereafter rejected the story of termination raised by the Petitioner. The findings recorded by the learned Presiding Officer are well supported by evidence on record. They cannot be termed as perverse in any manner. In my view therefore, no case is made out for interference in the impugned order.

7. At this stage, the Court has enquired with the learned counsel appearing for Respondent as to why gratuity is not paid to the Petitioner. On instructions, he makes a statement that due amount of gratuity would be forthwith paid to the Petitioner. In order to avoid another round of litigation relating to gratuity, it would be appropriate to direct the Respondent to pay gratuity to the Petitioner in respect of his services from 16 January 2004 to 13 July 2018. The amount of gratuity shall also carry interest at the rate of 8% per annum from 14 July 2018 till the date of actual payment. The amount of gratuity shall be paid by the Respondent-employer to the Petitioner within a period of six weeks.

8. No interference is made in the impugned order and the Writ Petition is **disposed of**.