



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

WRIT PETITION NO.3741 OF 2024

Securevalue India Limited and Ors.

...Petitioners

V/s.

Sarva Shramik Sanghatana

...Respondent

Mr. Mahesh Shukla with *Mr. Niraj Prajapati* for the Petitioners.

Ms. Gayatri Singh, Senior Advocate with *Ms. Hosanna Fernandez i/b. Ms. Shreya Mohapatra* for the Respondent.

CORAM: SANDEEP V. MARNE, J.

DATED: 10 SEPTEMBER 2025.

P.C.:

1) Petition challenges judgment dated 9 May 2022 passed by the learned Judge, 1st Labour Court, Mumbai in Complaint (ULP) No.109 of 2017 and directing reinstatement of the concerned workmen with 50% backwages w.e.f. 9 June 2017. Petitioners unsuccessfully assailed the judgment and order dated 9 May 2022 of the Labour Court by filing Revision Application (ULP) No.22 of 2022 before the Industrial Court, Mumbai, which has been rejected by judgment and order dated 4 December 2023, which is also subject matter of challenge in the present Petition.

2) I have heard Mr. Shukla, the learned counsel appearing for the Petitioners and Ms. Singh, the learned Senior Advocate appearing for the Respondent.

3) The only point canvassed by Mr. Shukla is that since termination of the concerned workmen was without holding enquiry, Petitioners ought to have been given opportunity to prove their misconduct by leading evidence before the Labour Court. He would invite my attention to the relevant averments in the affidavit-in-reply filed on behalf of the Petitioners opposing the Complaint on 25 July 2017, in which Petitioners had prayed for an opportunity to justify their action of termination of services of 7 workmen by leading evidence before the Labour Court.

4) Though Petitioners may have averred in the affidavit-in-reply that they desired to lead evidence to prove misconduct against the concerned 7 workmen, it is an undisputed position that apart from making such bald averments in the affidavit-in-reply, Petitioners never applied to the Labour Court seeking an opportunity to lead evidence to prove the misconduct. Mere making a bald averment in the affidavit-in-reply for an opportunity to lead evidence in misconduct is not sufficient. The complaint remained pending for over 5 long years. Petitioners did not express desire to lead evidence before the Labour Court to prove the misconduct. They never submitted any list of witnesses which they proposed to examine before the Labour Court. They did not even file any application seeking leave of the Labour Court for leading evidence. The Labour Court has awaited for five long years after filing of the Complaint on behalf of the concerned workmen. The Labour Court was not expected to take note of the averments made in the affidavit-in-reply and wait forever for Petitioners to produce witnesses before the Labour Court. Also, the learned Advocate appearing for the Petitioners had argued the Complaint before the Labour Court with full knowledge that no evidence

was led to prove the misconduct. At least at the stage of arguments, the learned Advocate appearing on behalf of the Petitioners could have requested the Labour Court to defer the arguments till evidence was led by the Petitioners. The very fact that the learned Advocate of the Petitioners took risk of arguing the Complaint in absence of evidence, makes it abundantly clear that the Petitioners never really desired examination of any witnesses to prove the misconduct. In that view of the matter, I am not inclined to entertain the objection sought to be raised on behalf of the Petitioners.

5) In absence of any evidence on record, the Labour Court has rightly set aside the termination while directing reinstatement with 50% backwages. No interference is warranted in the impugned order. Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]