



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 6837 OF 2024**

( Rahul s/o Shankar Hatwar

**Vs.**

Western Coal Fields Limited, Thr. its Chairman cum Managing Director,  
Nagpur & Ors. )

|                                                                                                                    |                           |
|--------------------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda<br>of Coram, Appearances, Court's<br>orders or directions and<br>Registrar's orders | Court's or Judge's orders |
|--------------------------------------------------------------------------------------------------------------------|---------------------------|

Mr. A.M. Sudame, Advocate for the Petitioner.

**CORAM:** AVINASH G. GHAROTE AND  
ABHAY J. MANTRI, JJ.

**DATED** : 17<sup>th</sup> JANUARY, 2025

Heard Mr. Sudame, learned Counsel for the  
Petitioner.

2. The Petition questions the communication dated 29.06.2019 (page 68) issued by the Respondents, by which the employment of the Petitioner as a General Mazdoor, under the category of Project Affected Person, has been cancelled on the ground, that the Petitioner has indulged into suppression of the requirement of disclosing an offence against him and the details of such offence.

3. Mr. Sudame, learned Counsel for the Petitioner, by inviting our attention to the Form filled by the Petitioner on 02.01.2019 submits, that the registration of an offence against the Petitioner was disclosed, which is correct.

However, what is also necessary to note, is that the Form vide para 12(2), required disclosure of all the relevant details regarding the said offence, which are not been filled by the Petitioner in his Form dated 02.01.2019 (page 66).

4. What is material to note is that the Form at its beginning itself indicates, that any non-disclosure of information, will act as disqualification of the candidate i.e. in clause 1. Further clause 3 indicates, that in case incorrect information has been given in the Form or information required to be disclosed has not been so done, the Petitioner will lose his employment, upon its discovery subsequent in point of time.

5. This would clearly indicate an obligation upon the Petitioner, to disclose not only the registration of an offence but the details of such offence as required in para 12(2) of the aforesaid Form, non-disclosure of which disentitles such person from the employment. The relationship between an employer and employee is based upon mutual trust and if the employer finds that the employee has breached this basic requirement, the employer would be clearly entitled to discontinue such employment.

6. In the instant matter, we find that the necessary requirement for disclosing the nature of the offence and other details as required, has not been disclosed by the Petitioner. It is therefore not permissible to the Petitioner to say that since he had disclosed that there was an offence pending against him, there was no requirement to give any further details, for

this has been specifically solicited vide para 12(2) of the Form. That being the position, we are not inclined to interfere in the impugned order.

7. The Petition is therefore **dismissed**. No costs.

8. Pending application/s, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)