



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

948 WRIT PETITION NO. 1080 OF 2026

SUKLAL RAMDAS BHOJANE

VERSUS

RAYMAND LIMITED JALGAON THROUGH GENERAL MANAGER

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Mr. P. B. Patil (Borse), Advocate for the Petitioner

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 3rd FEBRUARY, 2026

P. C. :-

1. Present Writ Petition takes exception to order dated 06.03.2024 passed by Industrial Court, Jalgaon in Revision Application (ULP) No. 1 of 2023 upholding judgment and order dated 03.01.2023 passed by Labour Court in Complaint (ULP) NO. 45 of 2012.

2. The Petitioner was employed on establishment of Respondent. He was subjected to departmental inquiry on allegation that he threatened to kill co-employee and engaged in politics and groupism. The employee who suffered threats from Petitioner complained to Management of Respondent/Company. On 16.07.2012, Petitioner came to be dismissed from service for misconduct. The Petitioner filed Complaint (ULP) No. 45 of 2012 before Labour Court, Jalgaon under Section 28 of The Maharashtra

Recolonization of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short 'MRTU & PULP Act'), seeking declaration that Respondent has engaged in unfair labour practices and sought for reinstatement in service with continuity and back wages. The Respondent contested complaint. The issue as to fairness of departmental inquiry and correctness of findings recorded by Inquiry Officer was tried as preliminary issue. On 05.03.2020, Labour Court ruled that inquiry was not fair and findings recorded are incorrect.

3. The Management took a burden to prove misconduct before Court. The Management examined Mr. Vishwas Prabhakar Jangle before Labour Court. The witness was cross-examined on behalf of Petitioner. However, Petitioner neither stepped into witness box nor led any evidence in support of his defence. The Labour Court, upon appreciation of evidence on record, observed that there is no reason to disbelieve evidence of witness Mr. Vishwas Prabhakar Jangle. His evidence sufficiently depicts that on 01.04.2011, the complainant entered in weaving section of company and forced Mr. Vishwas Prabhakar Jangle to sign forms and proceedings of Khandesh Union under pretext that those document are pertaining to labour society. On refusal of Mr. Vishwas Jangle to sign documents, he was given threats to kill and force was exerted to sign papers. The Labour Court has also

observed that complainant could not bring any material to show that Respondent/Company gave indifferent treatment to him or he has been forced or compelled for membership of a particular Union. The Labour Court further relied upon judgment of Supreme Court in case of *Damoh Panna Sagar Rural Regional Bank Vs. Munna Lal Jain, 2005(104) AIR 2005 SC 584*, to observe that Court should not interfere with administrator's decision, unless it was illogical or suffers from procedural impropriety or was shocking to conscience of the Court.

4. The Industrial Court concurred with observations and order passed by Labour Court.

5. Mr. Paresh Patil, learned Advocate appearing for Petitioner submits that Court below have not recorded finding on points under Item I (a to g) of Schedule IV of MRTU & PULP Act and proceeded to decide complaint. Both the Courts did not consider disproportionality of punishment for alleged misconduct. There is no explanation as to why FIR was not lodged by co-employee.

6. Having considered submissions advanced, it can be observed that Respondent/Management relied upon complaint made by Mr. Vishwas Jangle against Petitioner, which suggests that Petitioner gave threats to witness and

made to sign him on papers. The incident occurred on weaving floor of company. The evidence of Mr. Jangle is recorded before Labour Court. Nothing was elicited during cross-examination for which evidence of witness can be discarded or disbelieved. The Petitioner did not step into witness box to explain the circumstances leading to his misconduct. The Petitioner could not bring evidence on record to establish unfair labour practice or his victimization. The findings recorded by Labour Court, accepting Petitioner's misconduct, are based on appreciation of evidence on record. The Industrial Court concurred with such findings. Apparently, Labour Court had framed necessary issues and elaborately discussed on record on all respects of matter and recorded sufficient reasons in support of its conclusion.

7. No perversity or illegality is discernible in impugned orders. In result, Writ Petition stands rejected.

(S. G. CHAPALGAONKAR, J.)

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