IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5062 OF 2003

Walchandnagar Industries Ltd. **...Petitioner**

V/s.

H.R. Kamble and Ors. **...Respondents**

Ms. Anjali Purav, *for Petitioner.*

Mr. R.V. Dighe *i/b A.S. Rao, for Respondent No.1.*

CORAM: SANDEEP V. MARNE, J.

DATED: 17 July 2026

P.C.:

1) Petition challenges judgment and order dated 9 April 2003 passed by Member, Industrial Court, Pune, dismissing Revision Application (ULP) No. 125 of 2002 preferred by the Petitioner and confirming the judgment and order dated 5 October, 2002 passed by the Labour court in Complaint (ULP) No. 168 of 2001. It appears that cross Revision filed by the Respondent-workman is also dismissed by the Industrial Court by order dated 5 October 2002. The Labour Court had set aside the termination and directed reinstatement of the Respondent No. 1.

2) I have heard Ms. Purav, the learned counsel appearing for Petitioner and Mr. Dighe, the learned counsel appearing for Respondent No.1 and have considered the submissions canvassed by them.

3) Perusal of the impugned orders passed by the Labour and Industrial Courts would indicate that the misconduct of theft is proved against Respondent No. 1. Though the serious misconduct of theft was proved against him, the Labour and Industrial Courts have thought it appropriate to grant reinstatement only by taking into consideration the value of stolen item. According to the Labour Court, the stolen item was rusted and had value of Rs. 40 to 50. On the other hand, the Industrial Court held that the value of the stolen item was Rs. 50 to 100. In my view, once charge of theft is proved, the same results into loss of faith and trust for the employer. Value of stolen item is irrelevant. The Labour and industrial Courts have grossly erred in directing reinstatement of Respondent No. 1. While admitting the Petition, this Court has stayed implementation of the order passed by the Labour Court. The Petition is pending for the last 23 long years, when Respondent No.1 is not reinstated.

4) Considering the above position, in my view, the impugned orders passed by the Labour and Industrial Courts deserve to be set aside. The Petition accordingly succeeds and I proceed to pass the following order:

i) judgment and order dated 5 October 2002 passed by the Labour Court in Complaint (ULP) No. 168 of 2001, as well as

judgment and order dated 9 April 2003 passed by the Industrial Court in Revision Application (ULP) No. 125 of 2002 are set aside.

ii) Complaint ULP No. 168 of 2001 is dismissed.

5) Writ Petition is **allowed** in above terms. Rule is made absolute. There shall be no order as to costs.

[SANDEEP V. MARNE, J.]