



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6361 OF 2026

Aditya Birla Capital Limited

...Petitioner

V/s.

Kaushik Khanna

...Respondent

Mr. Vivek Khemka a/w Mr. Rushabh Thacker for the Petitioner.

CORAM: SANDEEP V. MARNE, J.

DATED: 09 JUNE 2026.

P.C.:

- 1) The Petition challenges the Award dated 9 January 2024 passed by the 3rd Labour Court, Pune, answering Reference (IDA) No.140 of 2020 partly in the affirmative and awarding lumpsum compensation of Rs.5,00,000/- to the Respondent for his wrongful termination.
- 2) I have heard Mr. Khemka, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.
- 3) At the outset, it must be observed that the Petition is filed after anormal delay. Impugned Award is passed on 9 January 2024, whereas the present Petition is filed on 20 April 2026. Mr. Khemka submits that since the Award is made ex-parte, Petitioner was not aware about the same. There is no such averment in the Petition and on the contrary, in paragraph 13 thereof it is averred as under:

“13. The Impugned Order was passed on 9th January 2024. The present Petition is therefore filed within reasonable time.”

4) Mr. Khemka invites attention of this Court to notice dated 14 February 2025 addressed on behalf of the Respondent seeking implementation of the impugned Award. He submits that Petitioner acquired knowledge about passing of the impugned Award after receipt of notice dated 14 February 2025. Even if this contention is accepted as correct, still the Petition has been filed after a period of 14 long months after acquiring knowledge about the impugned Award. It is another matter that there is no averment in the entire Petition about acquisition of knowledge about impugned Award after issuance of notice dated 14 February 2025.

5) Even if the aspect of delay is momentarily ignored, I otherwise do not find any valid reason to interfere in the impugned Award. Admittedly, the services of the Respondent are terminated without holding any enquiry and in absence of any allegation of misconduct. Faced with this difficulty, Mr. Khemka would submit that Respondent was employed in capacity as Manager and did not fit into definition of the term ‘workman’ within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. However, it appears that no such defence was raised in the Written Statement filed before the Labour Court. Therefore, neither any issue is framed nor the same is answered by the Labour Court about status of the Respondent. Mr. Khemka relies on judgment of this Court in **Northcote Nursing Home (Private) Ltd. Bombay & Anr. vs. Dr. Smt. Zarina H. Rahina & Anr.**¹. In that case, a specific issue with regard to status of the workmen was framed. The very fact that an issue regarding status of the Respondent therein was framed would mean that

1 2001 (3) L.L.N. 550

a defence about the status was specifically raised in the Written Statement in that case. In the present case, however, Petitioner never questioned the status of the Respondent before the Labour Court.

6) Considering the above position, I am not inclined to interfere in the impugned Award. Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]