



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3600 OF 2024

Valsala Venugopal Menon

...Petitioner

V/s.

Chunilal Mulchand and Co. and Ors.

...Respondents

Mr. Ganesh S. Patil *with Mr. Akash Ahire for the Petitioner.*

Mr. Avinash Patil *for Respondent Nos. 1 and 3.*

CORAM: SANDEEP V. MARNE, J.

DATED: 3 FEBRUARY 2026.

P.C.:

1) Petition challenges Part-I Award dated 19 April 2023 passed by the Presiding Officer, First Labour Court, Mumbai, holding enquiry to be fair and proper and that the findings of the Enquiry Officer as not perverse.

2) Mr. Ganesh Patil, the learned counsel appearing for the Petitioner submits that the Petitioner was not allowed to examine two crucial witnesses, whose services were terminated by the Management because they were likely to depose in favour of the Petitioner.

3) However, the enquiry proceedings indicate that on number of occasions the Petitioner made voluntary statement that she would not

examine any witness beyond recording her own deposition. I have gone through the enquiry proceedings conducted on 10 December 2009, 16 December 2009, 19 December 2009 and 10 May 2010, which clearly indicate this. Thus, though the Petitioner had every opportunity to lead evidence of her witnesses, she categorically stated before the Enquiry Officer that beyond examining herself, she did not desire to examine any other witness.

4) Perusal of Part-I Award would indicate that the Petitioner has cross-examined all the witnesses examined by the Management. Thus, principles of natural justice have been followed to the hilt. No interference is warranted in the findings that the enquiry is fair and proper. So far as the aspect of perversity in the findings of the Enquiry Officer are concerned, I have gone through the report of the Enquiry Officer, which contains a detailed analysis of the entire evidence on record by the Enquiry Officer. The report of the Enquiry Officer runs into 78 pages. Mr. Ganesh Patil has not been able to point out an element of perversity in the findings recorded by the Enquiry Officer. Therefore, even findings *qua* issue No.2 do not warrant any interference in exercise of jurisdiction under Article 227 of Constitution of India. I therefore, do not find any merit in the Petition.

5) Writ Petition is accordingly **rejected**. The reference concerning balance issues shall be decided by the Tribunal uninfluenced by the findings recorded in the order.

[SANDEEP V. MARNE, J.]