

ITEM NO.31

COURT NO.12

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 3980/2020

(Arising out of impugned final judgment and order dated 10-12-2019 in WP No. 9165/2004 passed by the High Court of Judicature at Bombay)

DAGADU TUKARAM KAMBLE

Petitioner(s)

VERSUS

CHIEF EXECUTIVE OFFICER ZILLA PARISHAD SOLAPUR & ANR. Respondent(s)

(IA No. 25643/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 25644/2020 - EXEMPTION FROM FILING O.T.)

Date : 02-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Ravindra Keshavrao Adsure, AOR
Mr. Yash Prashant Sonavane, Adv.
Mr. Rohan Darade, Adv.
Mr. Lav Mishra, Adv.

For Respondent(s) Mr. Amol B. Karande, AOR
Mr. Narendar Rao Thaneer, Adv.
Mr. Veshal Tyagi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard learned counsel for the parties and perused the petition papers.

The petitioner herein had approached the Labour Court contending that he had worked from the period 01.06.1979 to 08.10.1997 and in that light having completed service of 240

days in each year, he is entitled to be regularized in service.

The Labour Court at the first instance, through its judgment dated 23.02.1999 has accepted the contention and granted relief in favour of the petitioner by holding his disengagement as unfair labour practice and directed reinstatement.

The respondent, therefore, assailed the direction to reinstate the petitioner, by filing a Revision Petition before the Industrial Court, Solapur in Revision(ULP) No. 40 of 1999. The Industrial Court through its judgment dated 24.08.2004 had allowed the same. In that regard, it is held in revision that the adverse inference as drawn at the first instance by the Labour Court is not justified inasmuch as the documents sought for production was based on notice issued as on 26.05.1998 in relation to the service claimed to have rendered during the year 1979 to 1987. The contention of non availability of documents put forth by the respondent was accordingly accepted.

It is in that light, the High Court has appreciated the matter and on taking note of the sequence of events from the point during which the claim was made by the petitioner, the same being dismissed for default and thereafter being restored which lead to the time lapse and the delay with which the documents

were sought. Hence, the High Court had arrived at the conclusion that the order passed in Revision Petition was justified. We therefore, see no reason to interfere with the impugned order.

The special leave petition is, accordingly, dismissed.

Pending application(s) shall stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR