

(2017) 04 BOM CK 0250

BOMBAY HIGH COURT

Case No: 3805 of 2009

Arshila Fulchand Manwatkar

APPELLANT

Vs

M/s. Anand Gas Services &
Domestic Appliances

RESPONDENT

Date of Decision: April 6, 2017

Hon'ble Judges: R. K. Deshpande

Bench: SINGLE BENCH

Advocate: D.M.Kakani, S.S.Ghate

Judgement

1. Heard the learned counsels appearing for the parties finally.
2. After going through the award passed by the labour Court in Reference IDA No. 23 of 1998, it is found that there is absolutely no discussion on the aspect of continuous service of 240 days preceding the date of alleged retrenchment, recorded by the Reference Court. On the question of abandonment of service also, no findings are recorded. The evidence produced on record has not been considered. In the absence of findings on the relevant aspects of the matter, the learned counsels appearing for the parties submit that the matter need to be remanded back to the Reference Court by setting aside the award dated 17.07.2008.
3. In the result, the writ petition is allowed. The award dated 17.07.2008 passed in Reference I.D.A Case No. 23 of 1998 passed by the Reference Court is hereby quashed and set aside. The matter is remitted back to the labour Court to decide the reference in accordance with law. The parties shall be permitted to lead evidence in support of their rival claims. R & P be sent back immediately. No orders as to cost.