

- 3.3. On 14th May 2012, the respondent-employee absented himself from duty without any intimation to any official of the appellant-company.
- 3.4. The appellant-company issued a registered letter/notice dated 18th May 2012 to the respondent-employee, at the last known permanent address furnished by him, calling upon him to explain his unauthorised absence failing which strict action would be taken. This notice remained un-replied to.
- 3.5. The respondent-employee claims to have returned to the appellant's office on 8th June 2012 and attempted to join duty but alleges that he was not permitted to do so and was illegally removed from service with effect from that date.
- 3.6. On 22nd June 2012, the respondent-employee filed a complaint before the Deputy Labour Commissioner, Gautam Budh Nagar, Noida, Uttar Pradesh. The complaint was registered as C.P. Suit No. 427/2012 and referred to the Conciliation Officer, Gautam Budh Nagar, Noida, U.P., under Section 4 of the Industrial Disputes Act, 1947.
- 3.7. On 21st May 2013, based on the Conciliation Officer's report, the Deputy Labour Commissioner referred the dispute to the Labour Court, which was registered as Adjudication Dispute No. 361/2013.

- 3.8. The Labour Court passed an ex-parte award dated 23rd February 2022 in favour of the respondent-employee, directing the appellant to reinstate him in continuation of his earlier service and to pay his entire salary from the date of discontinuation of service till the date of reinstatement, along with all consequential benefits.
- 3.9. On 19th July 2022, the appellant came to learn of the ex-parte award and filed a recall application seeking to set it aside.
- 3.10. The Labour Court, by order dated 2nd January 2023, dismissed the application for setting aside the ex-parte award.
- 3.11. The appellant then preferred Writ-C No. 5479/2023 before the High Court of Allahabad, challenging both the ex-parte award and the dismissal of the recall application. By order dated 2nd March 2023, the High Court allowed the writ petition and remanded the matter to the Labour Court for a fresh hearing.
- 3.12. Upon remand, the Labour Court, vide order dated 27th October 2023, once again decided the dispute in favour of the respondent-employee. It directed the appellant to reinstate him in continuation of his earlier service, along with 50% back wages from the date of discontinuation of service till the date of publication of the award, and full salary and other benefits thereafter. The award was published on 8th December 2023.

3.13. Aggrieved by the said award, the appellant preferred Writ-C No. 8077/2024 before the High Court of Allahabad, seeking to set it aside.

3.14. By the impugned judgment, the High Court dismissed the appellant's writ petition and upheld the Labour Court's award. The High Court observed that the registered letter dated 18th May 2012 had been sent to the respondent-employee's permanent address in Bihar, rather than to the address at which he was actually residing in Gautam Budh Nagar at the relevant time.

3.15. Aggrieved by the said judgment, the appellant is before this Court.

4. We have heard the learned counsel for the parties.

5. The counsel for the appellant submits that the respondent-employee was never removed from service and that the cessation of his employment was entirely a consequence of his own unauthorised and unexplained absence. The appellant sent the notice to the only permanent address available in its records, being the address furnished by the respondent-employee himself at the time of his appointment. It is further submitted that even after the award of the Labour Court was published, the respondent-employee failed to join service despite multiple

communications issued by the appellant to that effect, without offering any explanation whatsoever.

6. The counsel for the respondent-employee submits that the respondent was compelled to go on leave as his mother was seriously ill and that he had duly informed his superior officer before leaving. He contends that the registered notice sent by the appellant never reached him as it was addressed to his permanent address in Bihar and not to his residential address in Gautam Budh Nagar. He further alleges that the management harassed him and refused to allow him to rejoin duty or pay his due back wages. It is submitted that the respondent-employee is entitled to reinstatement with all consequential benefits, and the appeal ought to be dismissed.
7. We have given our careful consideration to the rival submissions and have examined the record.
8. At the outset, we note the finding of the High Court that the registered notice dated 18th May 2012 was dispatched to the respondent-employee's permanent address in Bihar, whereas he was residing at a different address in Gautam Budh Nagar at the time. While this fact has been pressed to fault the employer, we are unable to accept that the appellant-company can be held responsible for this. The

notice was sent to the only address available in the employer's records, which was the address furnished by the respondent-employee himself at the time of his appointment. An employer can only be expected to communicate with an employee at the address the employee has provided. If the respondent-employee had changed his place of residence, the obligation to inform his employer of the change rested on him. He cannot be permitted to take advantage of his own omission in this regard.

9. The respondent-employee claims that his absence was due to his mother's serious illness and that he had verbally informed his superior before leaving. This claim is entirely unsubstantiated. No documentary evidence has been placed on record in support of it. More significantly, during the period of absence, the respondent-employee did not send a single written communication to his employer explaining the reasons for his absence or seeking leave. Had his explanation been genuine, he could have sent a letter or other written intimation. Having failed to do so, he cannot now rely solely on an oral assertion to justify his unauthorised absence.
10. The respondent-employee further claims that he returned on 8th June 2012 and attempted to rejoin duty but was not

permitted to do so. This claim too is unsupported by any documentary evidence.

11. We find that the respondent-employee absented himself without authorisation, failed to send any written communication to his employer during his absence, has led no documentary evidence to explain his absence, and has produced no evidence of any attempt to rejoin duty. Therefore, the Labour Court and the High Court erred in granting relief in the absence of such evidence. The writ petition of the appellant was liable to be allowed.
12. In view of the foregoing, the present appeal is allowed. The impugned judgment and order dated 13th March 2024 passed by the High Court of Judicature at Allahabad in Writ-C No. 8077/2024 is hereby set aside and the writ petition stands allowed. Consequently, the award of the Labour Court dated 27th October 2023 passed in Adjudication Dispute No. 361/2013 stands set aside. The direction for reinstatement of the respondent-employee, along with all ancillary directions with respect to back wages and other consequential benefits flowing therefrom, is accordingly cancelled and the claim of the respondent-employee stands rejected.
13. Pending applications, if any, stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

**NEW DELHI;
MAY 22, 2026**

ITEM NO.30

COURT NO.2

SECTION XI

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 26434/2024
[Arising out of impugned final judgment and order dated 13-03-2024 in
WC No. 8077/2024 passed by the High Court of Judicature at Allahabad]

M/S RIFILIS ENGINEERING PVT. LTD.

Petitioner(s)

VERSUS

ARJUN GUPTA

Respondent(s)

IA No. 245591/2024 - EXEMPTION FROM FILING O.T.

IA No. 245592/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 22-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) : Mr. Manish Kumar Gupta, AOR
Ms. Harshita, Adv.
Mr. Chandan Kumar Singh, Adv.
Ms. Sneha Singh, Adv.
Mrs. Sangita Gupta, Adv.

For Respondent(s) : Mr. Divyansh Mishra, Adv.
Mr. Ravi Shanker Jha, Adv.
Ms. Pooja, Adv.
Mr. Hemant Kumar Sagar, Adv.
Mr. Subhash Chandra Sagar, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Vishal Arun Mishra, AOR

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR

(Signed order is placed on the file)