

July 2026

Supreme Court of India upholds employer's position on employee unauthorised absence: key takeaways on service of notices and evidentiary burden on employees

The Hon'ble Supreme Court of India ("Supreme Court") in *M/s Rifilis Engineering Private Limited vs. Arjun Gupta*¹ has delivered a significant ruling reinforcing the position of employers in unauthorised absence disputes. It held that the notice sent to an employee's recorded address suffices and that unsupported oral claims cannot justify prolonged absence.

The judgment examines 2 (two) key issues; first, whether an employer discharges its obligation of communication by sending notices to the address furnished by the employee in the employer's records; and second, the nature of evidence required from an employee to substantiate their claims that the prolonged absence was justified or that attempts were made by them to resume duties.

The Supreme Court unequivocally held that an employer cannot be faulted for serving notices at the address provided by the employee in the employer's records, and that the burden of keeping such records updated lies squarely on the employee. Importantly, the Supreme Court also held that mere oral assertions of illness or of attempts to rejoin duty, unsupported by any documentary evidence, are insufficient for an employee to sustain their claims challenging the cessation of employment following prolonged unauthorised absence.

This judgment provides employers with important clarity on the standards of proof applicable in disputes concerning unauthorised absence, the sufficiency of notice sent to the recorded address, and the limits of an employer's obligation to trace employees who fail to report for duty.

Brief facts

M/s Rifilis Engineering Private Limited ("**Employer**"), a company engaged in the business of manufacturing and designing water features, employed Arjun Gupta ("**Employee**") as a 'Molder' with effect from August 1, 2006. On May 14, 2012, the Employee absented himself from work without any intimation to his Employer. The Employer issued a registered notice dated May 18, 2012 ("**2012 Notice**") to the Employee's permanent address in Bihar, being the only address furnished by him at the time of his appointment, calling upon him to explain his unauthorised absence. The notice however remained unanswered.

¹ SLP (C) No. 26434 of 2024 (decided on May 22, 2026)

The Employee contended that he attempted to resume duty on June 8, 2012, but the Employer did not permit him to rejoin and illegally removed him from service. He thereafter raised an industrial dispute, which was eventually referred to the Labour Court.

The Labour Court initially passed an *ex-parte* award in favour of the Employee directing reinstatement with back wages. After the Employer successfully obtained remand from the High Court of Judicature at Allahabad (“**Allahabad HC**”), the Labour Court, upon fresh hearing, once again ruled in favour of the Employee directing reinstatement with continuity of service and 50% back wages.

The Allahabad HC upheld the Labour Court’s award, observing that the Employer ought to have sent the 2012 Notice to the Employee’s local address in Gautam Budh Nagar instead of his permanent address in Bihar (“**Impugned Judgment**”). Aggrieved by the Impugned Judgment, the Employer preferred a special leave petition before the Supreme Court.

Before the Supreme Court, the Employer also submitted that even after the award was published, the Employee had failed to join service despite multiple communications issued to that effect, without offering any explanation.

Issues

1. Whether an employer can be held responsible for a notice not reaching an employee when such notice has been sent to the address furnished by the employee as available in the employer's official records?
2. Whether unsubstantiated oral assertions are sufficient to justify an employee’s unauthorised absence or establish that the employee had attempted to rejoin duty?
3. Whether, in the facts of the case, the Employee was entitled to reinstatement with consequential benefits?

Findings and analysis

The Supreme Court examined both the sufficiency of the employer’s communication efforts and the evidentiary burden resting on employees seeking to justify prolonged unauthorised absence. Its findings provide important guidance for employers on their obligations when dealing with cases of unexplained absence.

1. **Employer not at fault for serving notice at the only address furnished by the employee:** The Supreme Court disagreed with the Allahabad HC’s finding that the Employer was at fault because the 2012 Notice had been sent to the Employee’s permanent address in Bihar instead of his local residence in Gautam Budh Nagar. It was held that the Employer had sent the notice to the only address available in its records, which had been furnished by the Employee himself at the time of his appointment.

The Supreme Court held that an employer can only be expected to communicate with an employee at the address the employee has provided in the employer’s official records. If an employee changes his place of residence, the obligation to inform the employer of such change rests on the employee. An employee cannot take advantage of his own omission in failing to update those records and subsequently contend that the employer failed to serve notice properly.

2. **Oral assertions cannot substitute documentary proof:** The Employee sought to justify his absence by contending that his mother was seriously ill and that he had verbally informed his superior about the circumstances. The Supreme Court found these assertions unsupported by any documentary evidence. It specifically noted that the Employee had not placed any material on record to substantiate the alleged illness, nor had he sent any written communication to the Employer during the period of absence seeking leave or explaining his continued absence. The Supreme Court further observed that, had the explanation been genuine, the Employee could have sent a letter or other written intimation during the period of absence.

Similarly, the Employee’s contention that he had reported for duty on June 8, 2012, but the Employer prevented him from resuming work was also unsupported by any documentary evidence. The Supreme Court observed that

the Employee produced no contemporaneous material to establish either the alleged attempt to rejoin service or the Employer's refusal to permit him to do so.

In these circumstances, the Supreme Court held that unsupported oral assertions were insufficient to justify unauthorised absence or to establish that the Employee had made *bona fide* attempts to resume employment.

Conclusion

This judgment is a welcome and practical ruling for employers often dealing with cases of unauthorised absence. Holding that the Labour Court and the High Court had erred in granting relief in the absence of supporting evidence, the Supreme Court allowed the appeal and set aside both the Impugned Judgment and the Labour Court's award dated October 27, 2023. Consequently, the directions requiring reinstatement of the Employee, payment of back wages, and grant of consequential benefits were also set aside.

The decision reinforces several important principles that employers should note when dealing with cases of unauthorised absence. First, an employer satisfies its obligation of communication by issuing notices, letters or any form of written communications to the address the employee furnished and the employer maintains in its records. The employer need not independently verify or trace the employee's current address. The employee bears full responsibility to notify the employer of any subsequent change in address, and an employer cannot be faulted for relying on the information available in its official records.

Having said that and from a practical standpoint, the ruling underscores the importance of employers maintaining accurate and complete employment records, including up-to-date address details furnished by employees. Employers should ideally ensure that their appointment letters or employment contracts contain express provisions requiring employees to furnish their permanent and current addresses and to promptly notify the employer of any change in address.

Second, the judgment reiterates that the evidentiary burden to justify prolonged absence or to establish attempts to rejoin employment rests on the employee and must be discharged through credible documentary evidence. Mere oral assertions, without contemporaneous records or written communication, are insufficient to discharge this burden. This is significant for employers, as it confirms that courts and tribunals should not grant relief to employees on the basis of unsubstantiated claims alone.

Ultimately, the judgment underscores that in unauthorised absence disputes, a well-supported employer record can be determinative. Employers who act promptly, communicate through recorded channels, maintain contemporaneous evidence, and follow a structured internal process will be significantly better placed to defend allegations of illegal termination, denial of opportunity, or improper service of notice.

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