

Dond

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO.633 OF 2015**

|                                   |                |
|-----------------------------------|----------------|
| Praveen Kumar Poonia & Ors..      | ..Petitioners  |
| Vs.                               |                |
| The Commissioner of Labour & Ors. | ..Respondents. |

**WITH  
WRIT PETITION NO.794 OF 2015**

|                                   |                |
|-----------------------------------|----------------|
| Rahul Kamble & Ors.               | ..Petitioners  |
| Vs.                               |                |
| The Commissioner of Labour & Ors. | ..Respondents. |

-----

Ms. Gayatri J. Singh for Petitioners in both Writ Petitions.  
Mr. Darius Khambatta with K.M. Naik, Z. Dastur, Pratik Pawar and  
M. Nandu i/b J. Sagar Associates for Respondent No.4 in WP-633/2015  
and for Respondent No.3 in WP-794/2015.  
Mr. P.P. Kakade, AGP for State.

-----

**CORAM: NARESH H. PATIL &  
A.S. GADKARI, JJ.**

**DATE : 11<sup>th</sup> February 2015.**

**P.C.**

Heard.

**2**           The learned Counsel appearing for the Petitioners submits that the proceedings pending before the Conciliation Officer are not yet disposed of, and therefore necessary directions be issued.

3           The learned Senior Counsel appearing for the Respondent No.4 submits that a serious dispute is raised contradicting claim of the Petitioners that they are workmen. He submits that in view of the provisions of Section 2A of the Industrial Disputes Act, 1947, appropriate remedies are available to the Petitioners, in law. He placed reliance on the affidavit-in-reply of the Respondent No.4. It is that the Petitioners have been terminated by the employer.

4           The learned Counsel appearing for the Petitioners in both Petitions submits that they will resort to appropriate remedies in view of the provisions of the Industrial Disputes Act and or any other relevant law. The learned Counsel for the Petitioners disputes the statement made on behalf of the Respondent No.4 that the Petitioners are not workmen.

5           We have perused the provisions of Section 2A of the Industrial Disputes Act, 1947. In view of the said provisions, the Petitioners may resort to appropriate remedies as permissible in law. The Respondent No.4 disputed the claim of the Petitioners that they are workmen. We do not express any opinion on the merits of such claim. The issues on merits are kept open.

**6** Both the Writ Petitions are disposed of.

**(A.S. GADKARI, J.)**

**(NARESH H. PATIL, J.)**