

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9999 OF 2011

Mr. Shrikrishna Vithal Haldavanekar .. Petitioner.

V/s

M/s Hindoostan Spinning & Weaving
Mills Ltd., .. Respondent.

Ms. Neeta Karnik, Sr.Advocate, for petitioner.

Mr. J.P. Sen, Ms Pooja Kothari, Mr. Robin Fernandes i/b Federal &
Rashmikant, for respondent.

Coram : Smt. R.P. SondurBaldota, J.

Date : 13th April, 2015.

P.C.

The impugned order shows that the learned Judge has not applied his mind to the facts of the case to find out whether there is a credible dispute as regards the existing rights of the petitioner to receive benefits under the Voluntary Retirement Scheme (VRS) and whether he is workman. It was necessary for the learned Judge to arrive at a prima facie finding as regards the objection raised by the respondent. In the event, learned Judge found that there was substance in the objection raised, only then, he could have concluded that the dispute needs to be adjudicated under section 10 of the

Industrial Disputes Act. In this circumstance, impugned order is set aside by consent and the matter is remanded to the Labour Court for fresh consideration.

(Smt. R.P. SondurBaldota, J.)