

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.481 OF 2014

Tata Memorial Centre ... Petitioner
Vs.
Dr. Ramesh Yashwant Wagh and another ... Respondents

Mr. S. K. Talsania, Senior Advocate i/b. M/s. Mulla & Mulla & CBC for
Petitioner.
Ms B. P. Jakhade for Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 4, 2015

P.C.:

Heard Mr. Talsania, learned Senior Counsel for petitioner and Ms
Jakhade, learned Counsel for respondent No.1 at length.

2. By this Petition under Article 226 of the Constitution of India, the
petitioner has challenged the judgment and order dated 08.10.2014 passed
by the learned Presiding Officer, Fifth Labour Court, Mumbai and I/c.
Fourth Labour Court, Mumbai below exhibit C-12 in Application (IDA)
No.421 of 2005. By that order, the Labour Court rejected the application
made by the petitioner raising objection as regards maintainability of the
main proceedings under Section 33-C (2) of the Industrial Disputes Act,
1947 (for short 'Act') on the ground that the appropriate Government is the
Central Government.

3. After arguing the Petition for some time, Mr. Talsania seeks
permission to withdraw this Petition with a liberty to file application for
amending written statement as also fresh application raising the contention
that the appropriate Government in this case is the Central Government
after setting out all the necessary facts on the basis of the amended
definition of Section 2(a) of the Act.

4. In view thereof, Petition is allowed to be withdrawn with liberty as prayed for. All the contentions of the respondent in all the applications are expressly kept open. If such applications are made, the same shall be disposed of as expeditiously as possible and without being influenced by the impugned order.

(R. G. KETKAR, J.)

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