

Mr. N. M. Ganguli for Petitioner.
Mr. Mahesh Shukla for Respondents.

P.C. :

2. By this Petition under Article 226 of the Constitution of India, the petitioner has challenged the judgment and order dated 24.09.2012 passed by the learned Presiding Officer, 11th Labour Court, Mumbai below exhibit U-10 in Reference (IDA) No.287 of 2007. By that order, the Labour Court dismissed the application made by the petitioner for amendment to the settlement of claim.

3. By order dated 17.10.2007, the Deputy Labour Commissioner in exercise of powers conferred by by Sections 10(1)(c) and 12(5) of the Industrial Disputes Act, 1947 (for short 'Act') made reference of following dispute to the Labour Court:

“Shri Prabhakar C. Patel, should be taken back / reinstate in the service from the date 25.08.2006, with back wages by assuming his past service as continuous service.”

4. Mr. Ganguli after arguing the Petition for some time, upon taking instructions from the petitioner, states that within 1 week from today, he

will move the Deputy Labour Commissioner for suitably modifying / substituting the Schedule of Reference in the following terms:

“a. The order of dismissal dated 28.10.2006 passed by Mr. Prabhakar C. Patel is illegal and amounts to commission of unfair labour practice and that he should be reinstated with continuity in service.

b. Payment of wages from 26.08.2006.”

5. Mr. Ganguli submits that he will serve copy of the application on respondents. Mr. Shukla states that respondents will not object to substitution of reference in the aforesaid terms. In view of this, Mr. Ganguli states that the petitioner does not press this Petition.

6. In view thereof, Petition is disposed of as not pressed. In case the petitioner moves Deputy Labour Commissioner for substitution of the reference, he shall decide the same within 2 months from the receipt of the application. All the contentions of the parties on merits in reference are expressly kept open.

(R. G. KETKAR, J.)

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