

Rane

* 1/2 *

WP-819,820,821-2015
(sr. no.62)
Tuesday,11August,2015

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 819 OF 2015

ALONGWITH

WRIT PETITION NO. 820 OF 2015

ALONGWITH

WRIT PETITION NO. 821 OF 2015

Engineering Workers Association

.....Petitioner

: V/S :

M/s. Godrej & Boyce Manufacturing
Company Ltd and Ors.

.....Respondents

* * * * *

Ms. Nayana Buch a/w. Mr. Shailesh More, Advocate for the petitioner.

Mr. Bharat Goyal a/w. Mr. Hemant Telkar i/by. Haresh Mehta & Co.,
Advocate for respondent no.1.

Mr. P.C. Pavaskar, Advocate for respondent no.2.

Mr. A.D. Shetty, Advocate for respondent no.3.

* * * * *

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

11th August, 2015.

P.C. :-

1). Rule. Rule made returnable forthwith. By consent of the parties, the petitions are taken up for hearing immediately.

2). Heard learned Advocates appearing for the parties.

3). The impugned order can hardly be said to be a speaking order. Its perusal shows that, it states no reasons for the conclusions arrived at by it. The order neither discusses the deposition of the witnesses nor the documents produced by the parties. Strangely, the learned Judge after recording that the documents have not been proved by either side, observes that, despite the fact there can be no allergy for looking into the documents. In the circumstances, the order cannot be sustained and the matter needs to be remanded to the Industrial Tribunal for fresh decision. Mr. Goyal, the learned Advocate appearing for the respondent, requests that in that circumstance the parties be permitted to lead additional evidence to prove the documents produced by them on record. The petition is therefore disposed off by setting aside the order dated 23rd July, 2014 passed by the Industrial Tribunal, Mumbai in Reference (IT) No. 81 of 2003. The Reference is remanded to the Industrial Tribunal with a direction to decide the same afresh within a period of 6 months from the date of receipt of copy of the order. The parties are at liberty to lead additional evidence before the Industrial Tribunal, if they so desire.

(SMT. R.P. SONDURBALDOTA, J)