

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**ORDINARY ORIGINAL CIVIL JURISDICTION**  
**NOTICE OF MOTION NO.168 OF 2015**  
**IN**  
**WRIT PETITION NO.1758 OF 2014**

Shri. Pramod Maruti Sawant .... Applicant  
(Ori. Petitioner)

In the matter between:

Shri. Pramod Maruti Sawant .... Petitioner  
Vs.

M/s Indian Education Society & Ors. .... Respondents

Mr. S.N. Deshpande alongwith S.P. Munshi, Advocate for the Applicant.

Mr. K.S. Bapat, Advocate for respondent no.1.

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

Date : 6<sup>th</sup> July, 2015

P.C.

1            This Notice of Motion is taken out by the petitioner  
seeking following two reliefs:

a) Pending the hearing and final disposal of the writ petition, this Hon'ble court be pleased to direct the Presiding Officer III, Labour Court, Bandra to pass an award on issue no.2, issue no.3 and issue no.4.

b) Pre-emptory date be fixed for final hearing of Writ Petition No.1758 of 2014.

2 When the petition was admitted on 27<sup>th</sup> October, 2014, at the request of Mr. Deshpande, the learned advocate for the petitioner, it's hearing was already expedited. By the prayer clause (b), the petitioner seeks pre-emptory date of final hearing. Since there are several other older matters, pending, the final hearing of which is also expedited, the petitioner needs to wait for his turn in the list of expedited matters. Therefore, order in terms of prayer clause (b) cannot be granted.

3 As regards prayer clause (a), Mr. Deshpande submits that the Labour Court has erred in deciding only the issue of maintainability of the reference and leaving issues no. 2, 3 and 4, which are the issues on merit undecided and seeks direction to the Labour Court to decide the three issues. Granting of prayer clause (a) will virtually amount to remanding the matter for hearing. Therefore, prayer clause (a) also cannot be granted.

4 The Notice of Motion is dismissed.

(Smt. R.P. SondurBaldota, J)