

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6161 OF 2016**

M/s Karad Projects & Motors

..Petitioner

Vs.

Maharashtra Kamgar Janswarajya Sangh

..Respondent

**Mr. Kiran Bapat i/b M/s. Desai & Desai Associates for the Petitioner
Mr. Shailesh Pathak for the Respondent No.1**

**CORAM : R. M. SAVANT, J.
DATE : 17th OCTOBER, 2016**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 25-3-2015 passed by the Learned Presiding Officer of the Labour Court, Satara, by which order, the application Exhibit 20 filed by the Petitioner for framing of a preliminary issues to the effect, whether there is an employer / employee relationship between the parties and whether the application is maintainable, came to be partly allowed. Though the framing of the preliminary issue was sought, the Learned Presiding Officer has deemed it appropriate to frame the additional issues regarding maintainability and the jurisdiction of the concerned court.

2 In the application in question being IDA No.11 of 2009 the Petitioner has initially filed a Written Statement in the year 2010 in which Written Statement the maintainability of the Complaint on the ground of there

being no employer / employee relationship as also on the ground of whether the said dispute could be resolved in a proceeding under Section 32-C(2), was raised. Though raised, the Petitioner did not apply to the Learned Presiding Officer for framing of the said two preliminary issues. It seems that thereafter in the year 2015 an additional Written Statement came to be filed by the Petitioner and the said objections were once again raised by the Petitioner and thereafter the instant application Exhibit 20 came to be filed. The Learned Presiding Officer having regard to the fact that the reference had been kept for evidence since June 2010 and considering the time lag between the first Written Statement in the year 2010 and filing of the instant application Exhibit 20, allowed the application Exhibit 20 partly and added two additional issues regarding the maintainability and the jurisdiction of the court.

3 In my view, having regard to the reasons mentioned by the Labour Court which have been adverted to hereinabove in the impugned order, no exception could be taken to the impugned order dated 25-3-2015. Hence no case for interference in the Writ Jurisdiction of this court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]