

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11008 OF 2016

Pushpa Mahendra Sharma and ors. : Petitioners.
versus
Mahipal Dulgacah
Director, Seth Industries Pvt. Ltd.
(Props. Simplex Woollen Mills) : Respondent.

Ms. Karuna Yadav i/by Mr. N M Ganguli for the Petitioners.
Mr. Rahul Nerlekar for the Respondent.

CORAM : R. M. SAVANT, J.
DATE : 21st October 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 31/07/2014 passed by the learned Presiding Officer, Fourth Labour Court, Mumbai by which order the application filed by the Petitioners herein under Section 33-C(2) of the Industrial Disputes Act came to be partly allowed to the extent mentioned in the operative part of the impugned order.

2 The denial of the claim, was in respect of the claim made for the period subsequent to the closure of the Respondent. It appears that the Respondent has closed its Undertaking on 15/04/1986. The said closure is not in contention and has become final. The learned Presiding Officer having regard to the said fact therefore did not deem it appropriate to grant any benefit for the period post the closure and therefore allowed the said

application restricted to the claim prior to the said closure. However, it seems that in respect of the said prior claim which has been granted by the learned Presiding Officer a Writ Petition being Writ Petition No.7304 of 2015 has been filed by the Respondent which Petition has been admitted and interim reliefs have been granted. However, in the light of the fact that there can be no dispute about the fact that post closure, no claim could have been made. The impugned order passed by the learned Presiding Officer covering the said period cannot be taken exception to. Hence no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]