

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11333 OF 2015**

Mr.Rajesh Shah

...Petitioner

vs.

Their Workmen

represented by

Union Workers Association & Ors.

....Respondents

Mr.Kiran Bapat with Mr.Jayesh K. Desai for Petitioner.

Mr.Joydeb B. Saha for Respondents.

CORAM : S.C. GUPTE, J.**28 MARCH 2016****P.C. :**

Heard learned Counsel for the parties.

2 By consent, the impugned order of the Industrial Tribunal dated 5 March 2015 is set aside and the matter is remanded to the Industrial Tribunal for decision on the question of the plea of *res judicata* raised by the Petitioner, which forms the subject matter of the present petition. The Industrial Tribunal shall dispose of the reference after considering the plea of *res judicata* within a period of six weeks from today. The Petitioner will be at liberty to amend his written statement before the Industrial Tribunal within a period of one week from today. The Respondent is permitted to file an additional reply, if any, to the amended written statement of the Petitioner within a period of one week thereafter.

3 The petition is disposed of accordingly.

(S.C. Gupta, J.)

