

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 1103 OF 2015

The State of Maharashtra, through
Sassoon General Hospital

... Petitioner

Versus

Smt. Shilpa Pandurang Bulakh

... Respondent

Mr. A.B. Vagyani, Government Pleader alongwith Mr. A.I. Patel, AGP alongwith Ms. Vaishali Nimbalkar, AGP for the Petitioner.

Mr.R.S. Samant for the Respondent.

CORAM : S.J. KATHAWALLA, J.

DATED : 24th NOVEMBER, 2017

P.C.:

1. Heard the Learned Advocates appearing for the parties. The following order is passed, by consent :-

(a) The impugned order passed by the Learned Member, Industrial Court, Pune in Complaint (ULP) No.116 of 2003 dated 13th August, 2013 is set aside.

(b) The Learned Member, Industrial Court, Pune shall hear the matter afresh including the issue as to whether it has jurisdiction to entertain the complaint under the Industrial Disputes Act or whether the matter should be referred to Maharashtra Administrative Tribunal and also whether a person who is qualified as Physiotherapist can be directed to be made permanent in the post of an Occupational Therapist.

(c) The Learned Member, Industrial Court, Pune shall endeavour to dispose

off the Complaint (ULP) No.116 of 2003 within a period of twelve weeks from the date of this order.

(d) All contentions of the parties are kept open.

(e) The parties and/or their Advocates shall appear before the Member, Industrial Court, Pune on 28th November, 2017 at 11.00 a.m. and after producing a copy of this order obtain necessary directions in the matter.

(f) The parties shall not seek adjournment/s unless absolutely necessary. The Member, Industrial Court, Pune shall also not adjourn the proceedings unless absolutely necessary.

2. The above Writ Petition is accordingly disposed off.

(S.J.KATHAWALLA, J.)