

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO. 12968 OF 2016

M/s. Vishay Compounds India Pvt. Ltd.] Petitioner

Vs.

Mr. Pradip Dadu Gophane & Anr.] Respondents

.....
Mr. Kiran Bapat i/b M/s. Desai & Desai Association, for petitioner.
.....

CORAM : R.G. KETKAR, J.

DATE : 10TH JULY, 2017.

P.C.

Heard Mr. Bapat, learned Counsel for the petitioner at length.

2. By this Petition under Articles 226 and 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 29th July, 2016 passed by the learned Presiding Officer, Labour Court No.2, Pune [for short 'Labour Court'] below Exhibit-U-3 in Reference (IDA) No. 358 of 2015. By that order, Labour Court did not grant permission to the petitioner hereinafter referred to 'first party' to be represented by Advocate, in view of Section 36 (3) of the Industrial Disputes Act, 1947 [for short 'Act'].

3. Mr. Bapat has reiterated the contentions in paragraph 18 of the decision of this Court in the case of **M/s. Ohshung Electronics India Private Limited Vs. Prakash Dattatraya Shinde and another**, Writ Petition No. 352 of 2015 decided on 28th January, 2015 [2015 SCC OnLine Bom 2576].

4. In that case also, this Court considered the question whether in any proceeding before the Labour Court, Tribunal or National Tribunal, a party to the dispute can be represented by a legal practitioner as of right. After considering the decisions and in particular decision of the Apex Court in case of **Pradip Port Trust Vs. Their Workmen**, (1977) 2 Supreme Court Cases, 339 as also for the reasons recorded in the case of **M/s. Ohshung Electronics India Private Limited [supra]**, I do not find that Labour Court committed any error in passing the impugned order. Hence, Petition fails and the same is dismissed.

[R.G. KETKAR, J.]