

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.150 OF 2017
IN
WRIT PETITION NO.14169 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.Nicholas J. Martin, applicant present in person

Mr.Varun Ohri i/b M/s.D.M.Harish and Co.for the respondent

CORAM : K. K. TATED, J.
DATE : MARCH 3, 2017

P.C.:

1 Heard

2 This application is preferred by party in person for allowing them to carry out amendment in Writ Petition No.14169 of 2016 for joining Mr.Mohsin Abdul Karim Shaikh as party respondent no.2.

3 The present Writ Petition is filed by applicant party in person challenging the order dated 23.11.2015 passed by First Labour Court, Pune below Exhibit-U-20 in Misc.(IDA) No.11 of 2013 dismissing the applicant's application directing respondent Company to deposit full back wages in court and permit the petitioner to withdraw 50%

for its maintenance.

4 Bare reading of the application below Exhibit-20 shows that the main contention of the applicant was that Company should deposit its full back wages as per the award dated 2.4.2013 passed by First Labour Court, Pune in Reference (IDA) No.172 of 2012.

5 Applicant, party in person submits that proposed respondent Mr. Mohsin Abdul Karim Shaikh is associated with the respondent Company. He himself filed affidavit before the Trial Court making incorrect statement. He further submits that he already filed application against Mr. Mohsin Abdul Karim Shaikh for perjury before the Labour Court and same is pending for hearing and final disposal on its own merits. Hence, it is necessary to make him as party respondent in the present Writ Petition.

6 On the other hand, the learned counsel for the respondent vehemently opposed for allowing the present Civil Application. He submits that Mr. Mohsin Abdul Karim Shaikh proposed respondent was not party before the Labour Court. He submits that he is respondent no.1's employee. He submits that if any order is passed by this court and or Labour Court, that is required to be complied by respondent no.1 company and not by proposed respondent. Hence, there is no substance in the present Civil Application and same is

required to be dismissed with costs.

7 I have heard both the sides at length. In the present proceeding, First Labour Court, Pune passed award dated 2.4.2013 against respondent no.1 M/s.Oceans Connect (I) P.Ltd. directing them to reinstate the applicant in service with continuity and full back wages with consequential benefits. In that reference, proposed respondent no.2 was not party. In the application filed by the applicant before the Labour Court below Exhibit- U-20 dated 11.8.2015, no where it was stated that proposed respondent is responsible for payment and for any other act. Therefore, he is not necessary party.

8 Considering these facts, by this Civil Application applicant cannot be permitted to join proposed respondent no.2 in pending Writ Petition to enlarge the scope of the same.

9 Hence, Civil Application stands rejected.

JUDGE