

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 673 OF 2017

Federation of Medical & Sales Representatives'
Association of India

...Petitioner

vs.

M/s.USV Ltd.

...Respondent

Ms.Jane Cox I/b. R.A. Amonkar for Petitioner.

Mr.Sudhir Talsania, Senior Advocate with Aniket Mohashi I/b. Haresh
Mehta & Co. for Respondent.

CORAM : PRASANNA B. VARALE, J.

DATE : 16 AUGUST 2017

P.C. :

Heard learned Counsel for the Petitioner.

2 The Petitioner challenges the order passed by the learned Presiding Officer, Industrial Tribunal dated 27 June 2016 and the order dated 7 November 2015. Though learned Counsel in detail invited my attention to various documents placed on record to submit that certain benefits were awarded by categorising the employees and though the demands were placed, there was no proper appreciation. Learned Counsel also submitted that parties have undergone an exercise of exchange of demands in presence of the representatives. Learned Counsel submitted that initially an interim order was passed and the Petitioner found that there was some communication gap or erroneously it was presumed that the Petitioner agreed to certain demands. Learned Counsel then submitted that by order dated 27 June 2016, the application of second party Union was rejected. Learned Counsel then submitted that though the Counsel

made an attempt to submit that there are demands and counter demands and the order passed by the learned court was erroneous assumption and presumption, in my opinion, the interest of justice would be met by directing the learned Presiding Officer, Industrial Tribunal, Mumbai to decide Reference (IT) No.17/2012 within a stipulated period. The parties would be at liberty to lead evidence in support of their claims and submissions. By this way, the time which would be consumed in interim orders, challenge to interim orders and approaching forum would be saved and the parties would have an opportunity to the reference being decided on its merit expeditiously. Thus, all contentions of the rival parties are kept open for consideration before the appropriate forum, i.e. the learned Presiding Officer, Industrial Tribunal, Mumbai.

3 The parties are directed to approach the Tribunal within two weeks from today. The Industrial Tribunal is directed to decide the Reference, namely, Reference (IT) No.17/2012, as expeditiously as possible, and in any event, not later than 31 December 2017. In view of the order of this court to the learned Presiding Officer to decide the reference itself, no orders are required to be passed on the application (U-3) placed on record at Exhibit-D before the Tribunal. In view of the order passed by this court, the orders impugned in the petition dated 27 June 2016 and 7 November 2015 do not survive.

(PRASANNA B. VARALE, J.)