

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

WRIT PETITION NO.2598 OF 2007

Air India Limited

...Petitioner

Versus

N.S. Juvekar and Anr.

...Respondents

.....

Mr. Anand Pai i/b. M/s. Sanjay Udeshi and Co. for the
Petitioner.

Mr. R.J. Ghag for the Respondent No.1.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 22nd JUNE, 2017.

P.C.:-

By this Petition, the Petitioner has challenged the order dated 19th February, 2007, whereby the Presiding Officer of the National Industrial Tribunal, Mumbai, rejected the preliminary objections raised by the Petitioner herein regarding maintainability of the Application under Section 33(1) of the Industrial Dispute Act, 1947 filed by the Respondents herein.

2. Heard Mr. Anand Pai, the learned counsel for the Petitioner and Mr.R.J. Ghag, the learned counsel for the Respondent No.1.

3. In the course of the arguments, the learned counsels for the respective parties conceded that the impugned order needs to be set aside and the matter should be remanded to the Tribunal for deciding all the issues including the maintainability of the application on merits.

4. In the light of the said statement, the impugned order is set aside. The matter is remanded to the National Industrial Tribunal, Mumbai, to decide all the issues raised in the application under section 33(1) of the Industrial Disputes Act, 1947, including the issue of maintainability of the application, on merits.

5. It is made clear that this Court has not gone into the merits of the matter and all points and contentions are specifically kept open.

6. Considering that the proceedings are of the year 2004, the learned Presiding Officer, National Industrial Tribunal, Mumbai to dispose of the same expeditiously and in any event, within a period of six months from the date of the appearance of the parties before the National Industrial Tribunal, Mumbai.

7. Both parties to appear before the National Industrial Tribunal, Mumbai on **7.7.2017 at 11.00 a.m.**

8. The Writ Petition stands disposed of.

(ANUJA PRABHUDESSAI, J.)