

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2062 OF 2018

Grant Medical Foundation Ruby Hall Clinic	...Petitioner
Vs.	
Shri Bapu Rangnath Jadhav	...Respondent

Mr.S.R. Nargolkar I/b. Aumkar V. Joshi for Petitioner.
Mr.Sandesh Deshpande for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 2 AUGUST 2018

P.C. :

Heard learned Counsel for the parties. Rule. Rule taken up for hearing, by consent of counsel.

2 This petition challenges an order of the Labour Court at Pune on a miscellaneous application in a reference made to it under the Industrial Disputes Act. The reference is in respect of dismissal of the Respondent herein after issuing a chargesheet and conducting a departmental enquiry. The Petitioner has filed its written statement in the reference. At this stage, when issues have been framed and the matter is to be heard for Part-I award, that is to say, on whether the inquiry against the Respondent was fair and proper and whether the conclusion of the Enquiry Officer was supported by evidence on record, the Respondent applied for summoning high ranking officers of the Petitioner hospital, including its chief executive officer and the hospital administrator, on the ground that the second party workman “would like to lead oral evidence of the following persons”. Without discussing any reason why the individuals

named in the application ought to be summoned at this stage, the Labour Court allowed the application. Without a Part-I award being rendered on the propriety or fairness of the inquiry and the justification of its conclusion, there is no question of allowing any evidence at this stage. The impugned order, accordingly, cannot be sustained.

3 Rule is, accordingly, made absolute by quashing and setting aside the impugned order and rejecting the Respondent's application for summoning the individuals named in it. It is clear that after the Part-I award, it will be open to the Respondent workman to summon such witnesses as he may deem fit. Any such application will be considered by the Labour Court on its own merits as and when the same is made. For the time being, there is no question of summoning anyone from the office of the first party employer.

(S.C. GUPTE, J.)