

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

WRIT PETITION NO.8641 OF 2017

Hotel Catering Management Services

& Anr.

.. Petitioners

Vs.

Surendra D. Nayak

.. Respondent

Mr. M. V. Joglekar a/w Rahul D. Oak for the petitioners.

Mr. Avinash Jalisatgi i/b. Ratnesh R. Mishra for the respondent.

CORAM : A.K. MENON, J.

DATED : 27TH MARCH, 2018.

P.C. :

1. By this writ petition, the petitioner seeks to challenge an order dated 27th December, 2016 passed by the Third Labour Court, Thane in Complaint (ULP)no.186 of 2016 and the order dated 17th February, 2017 passed in Revision Application (ULP) no.3 of 2017 in the said complaint. By order dated 27th December, 2016, the Labour Court allowed Exhibit U-2 thereby restraining the respondents from terminating the services of the complainant in pursuance of the domestic inquiry and the report and the findings of the inquiry dated 27th November, 2016.
2. The order of the Labour Court was the subject matter of the Revision Application and by judgment dated 17th February, 2017 the Industrial

Court rejected the revision application and directed the Labour Court to decide the complaint finally on merit within a period of one year.

3. I have heard the learned counsel for the petitioner and perused the record and I did not find any reason to interfere with the impugned orders. However, since the Labour Court has already been directed to dispose of the complaint within one year, it will be appropriate to dispose of the application with the following directions:-

(i) The Labour Court shall frame the issues within a period of four weeks from the receipt of copy of this order and thereafter the respondent shall file his affidavit in lieu of examination in chief within a further period of three weeks from the date of framing of issues.

(ii) The Labour Court shall endeavour to dispose of the complaint within a period of one year from the date of framing of issues.

(A.K. MENON,J.)