

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

**REVIEW PETITION NO.142 OF 2017
IN
WRIT PETITION NO.8638 OF 2013**

Shri Vishnu Raghunath Mhatre & Ors.	... Petitioners
vs.	
M/s. NOCIL Limited & Ors.	... Respondents

Mr. P.K. Dhakephalkar, Senior Advocate a/w Mr. Amol P. Mhatre for the Review Petitioners.
Mr. Sujeet P. Salkar for the Respondent No.1.
Mr. Sudhir Talsania a/w Ms. Melaine D'souza, Mr. Ketan Dave I/b M/s. A.S. Dayal & Associates for the Respondent No.3.

Coram : **A.A.Sayed, J.**
Date : 29 January 2018

ORDER:

1 I have heard learned Senior Counsel for the Review Petitioners, learned Counsel for the Respondent No.1 and learned Senior Counsel for the Respondent No.3.

2 Learned Senior Counsel for the Review Petitioners has pointed out paragraph 9 of the impugned order dated 24 December 2013 in Writ Petition No.8638 of 2013. It reads thus:

“(i) whether the Respondent companies committed any unfair labour practice as alleged in denying the benefits of medical insurance coverage to the Petitioners as agreed in the MOU dated 11 September, 2004; and

- (ii) whether the Respondent companies committed any unfair labour practice in not granting additional compensation of Rs.2.64 lacs to the Petitioners, when RPCL granted such compensation to the employees who were found to be medically unfit and/or those who were dismissed by RPCL, (In the affidavit in lieu of examination-in-chief on behalf of the Petitioners, the amount of additional compensation is mentioned as Rs.2.11 lacs after deduction of income-tax).

The learned Senior Counsel for the Review Petitioners states that the Petitioners are only pressing clause 9(i) above.

3 In paragraph 10 of the impugned order, the statement of learned Senior Counsel for the Petitioner is recorded as under:

“10. Mr. Cama, learned Senior Counsel for the Petitioners fairly stated that most of the Petitioners and other employees under Plan B enlisted in Annexure 'A' to the Complaint had crossed age of 60 years and therefore he was not pressing item (i) hereinabove. In other words, he is not pressing the issue of medical insurance coverage raised by the Petitioners in the Complaint.”

4 Learned Senior Counsel submitted that the learned Senior Counsel for the Petitioners had no instructions to make such a statement before the Court during the hearing of the Petition. He

submitted that only 10 to 20 per cent of the Petitioners had crossed the age of 60 years and therefore they alone would not have been entitled for the medical insurance.

5 It is not in dispute that the aforesaid statement recorded in paragraph 10 of the impugned order was made by the learned Senior Counsel for the Petitioners. It is not possible to this Court to go into the aspect whether as a matter of fact the learned Senior Counsel for the Petitioners had made such a statement without instructions from the Petitioners. In any event, there is nothing placed on record by the Review Petitioners to show that only 10 to 20 per cent of the Review Petitioners had crossed the age of 60 years.

6 In the circumstances, I am not inclined to entertain the Review Petition as I find no error apparent on the face of the record. The Review Petition is accordingly dismissed. No costs.

(A.A.Sayed, J.)