

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

WRIT PETITION NO.10830 OF 2017

Ketan Anant Parekh

.. Petitioner

Vs.

Globeop Financial Services Pvt. Ltd.

.. Respondent

Ms.Rachana R. Chavan – Legal Aid Counsel for the petitioner.

Mr.Lancy D'Souza with Ms.Deepika Agarwal i/b Mr.V.M. Parkar for the respondent.

CORAM : A.K. MENON, J.

DATED : 27TH MARCH, 2018.

P.C. :

1. By this writ petition, the petitioner has taken exception to the order dated 14th July, 2017 passed on Exhibit C-20 framing an issue as to whether the petitioner was a workman. Exhibit C-20 was filed by the respondent for framing additional issue along with its written statement dated 4th March, 2013. The respondent-company had pleaded in paragraph 2 that the reference was not tenable in law as the petitioner herein did not satisfy the definition of a “workman” under Section 2(s) of the Industrial Disputes Act.

2. At that stage, the Court framed only two issues on 22nd November, 2016, a copy of which appears at Exhibit B-2. The additional

issue framed is as under :

“4. Whether second party proves that he is a workman as defined under section 2(s) of the Industrial Disputes Act, 1947 ?”

3. Learned Advocate for the petitioner submits on instructions that this issue could not have been framed since issues have already been framed on 22nd November, 2016. It is the case of the petitioner that the issues framed on 22nd November, 2016 were so framed on the insistence of the respondent and the trial Court had framed the issues on merits in accordance with law with the terms of reference made by the Appropriate Government under the Act. It is therefore submitted that the additional issue could not have been framed. To my mind, the issues arise from the pleadings and the additional issue framed in view of the fact that the petitioner did not fulfill the requirement of “workman” as defined under the Act.
4. Objection has been taken by the learned counsel for the respondent in terms of prayer clause (c) where the petitioner has sought an enquiry alleging collusion as against the Presiding Officer of the Labour Court. These are serious allegations apparently made without any factual basis. In view of the fact that the petitioner has been

appearing in person and had drafted the petition, he has expressed regret. For the present, the petitioner is cautioned against making such bald allegations.

5. In the facts and circumstances of the case the impugned order is not perverse in any manner. The issue arises of the pleadings and there is no case made out for interference with the impugned order. Hence I pass the following order :

- (i) Writ Petition is dismissed.
- (ii) No costs.

(A.K. MENON,J.)