

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

## WRIT PETITION NO.686 OF 2018

|                                                                                      |     |            |
|--------------------------------------------------------------------------------------|-----|------------|
| Central P.W.D. Mazdoor Union                                                         | ... | Petitioner |
| Versus                                                                               |     |            |
| The additional Director General<br>(Western Zone) Central Public Works<br>Department | ... | Respondent |

Mr. Jaiprakash Sawant for the Petitioner.  
Mr. P.M. Palshikar I/b Y.S. Bhate for the Respondent.

**CORAM : S.C.GUPTE, J.**

**DATE : 25 JUNE 2018**

**P.C. :**

. After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned order may be quashed and set aside and the matter be remanded to the Central Government Industrial Tribunal (CGIT) for a fresh hearing in accordance with law. It is ordered accordingly. CGIT, it is made clear, should decide whether or not the employee, on whose behalf the reference was made by the Petitioner, was a workman under Section 2(s) of the Industrial Disputes Act and the contract between the parties was a contract of service or contract for service. CGIT shall hear the parties on the basis of the same evidence which was led before it and decide the reference as expeditiously as possible and in any event, preferably within four months from today.

- 2 The petition is disposed of.
- 3 All rights and contentions of the parties on merits are kept open.

**(S.C. GUPTE, J.)**