

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2844 OF 2017

Ashok Basappa Dev

...Petitioner

Vs.

M/s.Sharda Dyeing and Printing Works

...Respondent

Ms.Ketaki Rege for Petitioner.

Mr.Mahesh Shukla for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 9 JULY 2018

P.C. :

Heard learned Counsel for the parties.

2 This writ petition challenges an award of reinstatement and 20% of backwages passed by the Labour Court at Mumbai on a reference under Section 10 of the Industrial Disputes Act. The award appears to have been passed ex-parte. Though the person aggrieved by the award in the present petition is the Petitioner employee, even on behalf of the Respondent employer, it is submitted that Mr.Indulal D. Doshi, sole proprietor of the Respondent, died during the pendency of the reference and as a result, could not appear and show cause.

3 On the other hand, it is the Petitioner's grievance that without discussing any fact or circumstance, peculiar or otherwise, 80% backwages are reduced. Learned Counsel submits that there is nothing to show any justification for such reduction. In other words, both parties would like the matter to be considered afresh.

4 Accordingly, the impugned order dated 12 June 2017 is quashed and set aside and Reference (IDA) No.256/2012 is remanded to the Labour Court at Mumbai for a fresh hearing in accordance with law. The writ petition is disposed of accordingly.

5 All issues and contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)