

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

WRIT PETITION NO.4196 OF 2019

Manager/Authorized Signatory
Automotive Services ... Petitioner
Versus
Ramesh Shivputra Desai and Anr. ... Respondents

**ALONG WITH
WRIT PETITION NO.4197 OF 2019**

Manager/Authorized Signatory
Automotive Services ... Petitioner
Versus
Vijay Balkrushna Nikam and Anr. ... Respondents

**ALONG WITH
WRIT PETITION NO.4507 OF 2019**

Manager/Authorized Signatory
Automotive Services ... Petitioner
Versus
Rajesh Dattatrya Pawar and Anr. ... Respondents

**ALONG WITH
WRIT PETITION NO.4519 OF 2019**

Manager/Authorized Signatory
Automotive Services ... Petitioner
Versus
Deepak Dhondiram Jagdale and Anr. ... Respondents

**ALONG WITH
WRIT PETITION NO.4549 OF 2019**

Manager/Authorized Signatory
Automotive Services ... Petitioner
Versus
Sanjay Sudhakar Mule and Anr. ... Respondents

**ALONG WITH
WRIT PETITION (ST) NO.4261 OF 2019**

Manager/Authorized Signatory

Automotive Services

... Petitioner

Versus

Deelip Baban Khedkar and Anr.

... Respondents

.....
Mr. Sandeep S. Mutalik for the petitioner.
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CORAM : M. S. KARNIK, J.

DATE : 10th APRIL, 2019.

P. C.:

1. Heard learned counsel for the petitioner.
2. The learned counsel for the petitioner submitted that the application was made before the Presiding Officer, Labour Court before whom Reference I.D. Application No.15 of 2010 has been referred for adjudication contending that the petitioner-Automotive Services Petrol Pump, Sangli is entitled to withdraw its appearance from the proceedings. The learned counsel for the petitioner pointed out that the petitioner is Automotive Services Petrol Pump, Sangli whereas in the reference, the first party is shown as Pandit Automotive Services Pump Division. In the application it is stated that the reference can proceed only against Pandit Automotive Services Pump Division and not

against the petitioner which is Automotive Services Petrol Pump. Learned counsel would submit that the reference has to proceed strictly in accordance with law and against the party named in the reference. According to him, if the respondent has impleaded Pandit Automotive Services, then the Labour Court was not justified in rejecting the application made by the petitioner to withdraw its appearance from the proceedings.

3. I have gone through the order passed by the Labour Court below Exhibit C-14. It is not in dispute that the petitioner carries on business on the same address where the summons is issued. It is further, not in dispute that before the Government Labour Officer, the first party had specifically submitted that there is no employer-employee relationship in existence between it and second party. Though there appears to be some discrepancy in the name of the present petitioner and the name as mentioned in the reference, the Labour court has held that the court has to decide the dispute referred for adjudication and therefore, the application can not be considered. The Labour court has also taken into consideration that the name "Pandit" is not appearing in the name of the first party in the written statement and application. The petitioner had participated in the proceedings, put its appearance on record, received the copy of the statement

of claim and filed its written statement opposing the claim. The petitioner had denied that the workman is its employee and submitted that it's Petrol Pump unit was closed on account of renovation since 31.05.2007 to 16.02.2010. For all these reasons, the Labour Court rejected the application. I do not see any reason to interfere with this order of the Labour Court.

4. If at all the reference proceeds, the same will be against Pandit Automotive Services as the first party. The workman may apply for amending the cause title if so advised. Application if so made would obviously be considered by the Labour Court on its own merits. The Labour Court at the appropriate stage always has power to refer the reference back to the State Government for amendment if and when the occasion arises.

5. With these observations Writ Petition is accordingly dismissed with no order as to costs

(M. S. KARNIK, J.)