

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5599 OF 2018

Mr.Nicholas John Martins	.. Petitioner
Vs.	
M/s.Oceans Connect (I) Pvt.Ltd.	.. Respondent

Mr.Vikas H.Shekdar, for the Petitioner.

CORAM : M.S.KARNIK, J.

DATE : 26th MARCH, 2019

P.C. :

. In this Petition filed under Article 227 of the Constitution of India, the petitioner prays for the following reliefs.

“A. Writ Petition may kindly be allowed.

B. R&P may kindly be called for.

C. That the Ld.Labour Court be directed to appreciate the fact that prima facie the Act of Perjury appears to have been attempted in the matter before it therefore Ld.Labour Court may set law of land in motion against the wrong-doers (the Perjurers).

D. Pending hearing and final disposal of this Writ Petition the order dated 13.12.2017 for Restoring the Reference (IDA) No. 172/2012 to the file may kindly be stayed.

E. Order dt. 13.12.2017 may kindly be quashed and set aside thereby directing Respondent to deposit full back-wages i.e. since filing of Restoration Application MA(IDA) No. 11/2013 dt.26.7.2013 to date OR to deposit any such amount as this Hon'ble Court deems fit and pave way for implementing the Order & Award in Ref (IDA) 172/2012, without further hardship and prejudice to the Petitioner.

F. The resultant proceedings before Ld.Labour Court may kindly be expedited within period of 90 days or as this Hon'ble Court deems fit.

G. Any other relief in favour of the Petitioner may be granted as this Hon'ble Court deems fit in the Interest of Justice.”

2. For the reasons recorded in the impugned order dated 13/12/2017, the Labour Court allowed the restoration application subject to costs of Rs.2,000/-. An exparte award came to be passed by the Labour Court in favour of the petitioner. On an application made by the respondent, Reference (IDA) No. 172 of 2012 was restored and parties were directed to remain present before the Labour Court on 01/01/2018.

3. Apart from a prayer to set aside order dated 13/12/2017, a prayer is also made for direction to the Labour Court to appreciate the fact that, prima facie, the act of perjury

have been attempted in the matter before it and therefore appropriate action be taken.

4. Insofar as the impugned order dated 13/12/2017 is concerned, I find no reason to interfere with the restoration order made by the Labour Court.

5. Learned Counsel for the petitioner however contends that the respondents are unnecessarily delaying the matter. The petitioner was dismissed in the year 2012. If the respondents are adopting dilatory tactics, the Labour Court surely can proceed with the matter by passing appropriate orders.

6. Insofar as the contention of the learned Counsel for the petitioner about the allegations of perjury, it is for the petitioner to make appropriate application before Labour Court which application shall be considered by the Labour Court in accordance with law. The Labour Court is requested to decide the Reference (IDA) 172 of 2012 as expeditiously as possible.

7. In this view of the matter, learned Counsel for the petitioner submits that he would not press the Petition any further.

8. The Petition is disposed of in the light of the observations made hereinabove.

(M.S.KARNIK, J.)