

BDP-SPS

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D. Pandit

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO.1938 OF 2018  
IN  
WRIT PETITION NO. 5603 OF 2018**

M/s Falcon Multi Services Ltd  
and Anr.

.... Petitioners.

V/s

Shri Evelyn Camilo Gonsalves

..... Respondent.

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Ms. Shabana Sathe for the Petitioners.

Mr. Bennet D'costa a/w Jignasha Pandya for Respondent No.1.

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**CORAM: NITIN W. SAMBRE, J.**

**DATE: 5<sup>th</sup> August, 2019.**

**P.C.:-**

1] The submissions of the learned Counsel for the Petitioners are, the Respondent, who was working in the capacity of Manager, cannot be termed as a workman and as such, relief claimed under Section 33-C(2) of the Industrial Disputes Act ought not to have been entertained. It is further claimed that Recovery Certificate is also issued against the Petitioner and Revenue Authorities are pressing hard for recovery. A statement is made that entire amount, pursuant

to the order under challenge, will be deposited in this Court within a period of four weeks from today. Since the statement is made on instructions, same is accepted.

2] There shall be ad-interim stay to the further recovery proceedings.

3] Civil Application stands disposed of in the aforesaid terms.

4] The learned Counsel for the Petitioners undertakes to serve copy of the Petition on the learned Counsel for the Respondent within a period of one week from today.

( NITIN W. SAMBRE, J. )