

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2589 OF 2019

Mr. Ramesh Dnyanoba Rankhamb

.. Petitioner

Vs.

Sanjay Maintenance Services Pvt. Ltd.

.. Respondent

Mr. Vaibhav V. Ugle for the Petitioner.

Mr. Rahul Dattatraya Oak a/w. Siddesh S. Shetye for the Respondent.

CORAM : A.K. MENON, J.

DATED : 4th MARCH, 2019.

P.C. :

1. The challenge in this petition is to the order dated 11th October, 2018 passed by the Industrial Court, Pune in Revision Application (ULP) No. 22 of 2018 whereby the revision was allowed. The Labour Court has been directed to frame preliminary issue as to whether the petitioner is workman as also to the maintainability of the complaint and to decide in the first instance.

2. The learned counsel for the petitioner submitted that the petitioner has been in employment for 17 years. He has invited my attention to the observation of the Labour Court in Complaint (ULP) No. 132 of 2017 in which the aforesaid factual aspects have been considered and after which the respondent herein was directed to deposit monthly of the complainant till

final disposal of complaint and permitting complainant to withdraw the same.

3. Having considered the order under revision, the Industrial Court framed the relevant issue as to whether the order under revision suffers from perversity or there are any errors apparent in the face of the record. After having considered all the factual aspects the Industrial Court came to the conclusion that the question whether the petitioner qualified as a workman or not is required to be decided prior to granting of interim relief. In that view of the matter the application came to be rejected. However the Court has framed a preliminary issue including as to maintainability.

4. I find no reason to interfere in the writ jurisdiction of this Court. However in view of the fact that this aspect is now to be agitated before the first labour Court. Accordingly, I pass the following order :

(i) The Labour Court shall proceed to hear the matter without granting any unnecessary adjournments to the parties and decide the issue in accordance with law without being influenced by the filing of this petition or observations in this order.

(ii) Writ Petition disposed of in the above terms.

(A.K. MENON,J.)