

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

**WRIT PETITION NO. 1275 OF 2019
WITH
CHAMBER SUMMONS NO. 354 OF 2018**

Adarsh Rent-A-Car Pvt.Ltd.

...Petitioner

vs.

Vinayak Mangesh Sawant

...Respondent

Mr.Mahesh Shukla i/b. Niraj Prajapati for Petitioner.

Mr.R.D. Bhat for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 11 DECEMBER 2019

P.C. :

This writ petition challenges an order passed by the Industrial Court in an approval application filed in a reference. The dispute concerns the punishment of dismissal awarded to the Respondent employee by the Petitioner Establishment. This dismissal occurred during the pendency of a reference concerning a charter of demand submitted by its workmen to the Petitioner establishment. In the premises, an application was made under Section 33(2)(b) of the Industrial Disputes Act for approval of the action of dismissal taken against the Respondent workman. By the impugned order, that application was rejected by the Industrial Court. Being aggrieved, the Petitioner establishment has come in challenge before this court.

2 After the matter is heard at some length, it is agreed between learned Counsel for the parties that the impugned order dated 20 August 2018 may be set aside and the approval application may be remitted to the Industrial Court for a fresh decision in accordance with law. It is ordered

accordingly. Considering that the matter pertains to the year 2012, the Industrial Court is requested to dispose of the application as expeditiously as possible and preferably within a period of four weeks from today. Either party may bring this order to the notice of the Industrial Court by producing an authenticated copy of this order, whereupon the Industrial Court may fix a schedule of hearings and dispose of the application accordingly.

3 In view of the disposal of the writ petition, the chamber summons is not considered. All contentions of the parties, however, on the subject matter of the chamber summons, including the role of Respondent No.4 sought to be added to the present petition, are kept open.

(S.C. GUPTE, J.)