

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1677 OF 2019

(SUNFLAG IRON & STEEL CO. LTD. & OTH....VS.. VICHITRA YASHWANT BHATANKAR & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.R.Pillai, Advocate for Petitioners.

CORAM : Z.A.HAQ, J.

DATED : MARCH 06, 2019.

Heard.

The petitioner has challenged the order passed by the Labour Court rejecting the application Exh.(C-7) filed by it. By this application (C-7), the petitioner had prayed that its name be deleted from the reference proceedings. According to the petitioner, the workman has admitted on record that he is employee of the contractor i.e. the present respondent No.2 and not of the petitioner and therefore, the reference against the petitioner is bad in law.

After hearing the learned Advocate for sometime, I expressed that I am not inclined to consider the prayer made on behalf of the petitioner for deletion of its name at this stage. Hence, the learned Advocate for the petitioner prayed for grant of permission to withdraw application (Exh.C-7) with liberty to file an application for framing issue on the point and deciding it as a preliminary issue.

As I find that the request made on behalf of the petitioner for grant of permission to file application is just and proper, the following order is passed:

The petitioner is permitted to withdraw the application (Exh.C-7) with liberty to file application for framing preliminary issue on the point of maintainability of the reference against the petitioner. As the application (Exh.C-7) is withdrawn the impugned order does not survive. Consequently, the petition has also become infructuous and it is **disposed** accordingly. No costs.

JUDGE

RRaut..