

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7321 OF 2019

Tata Institute of Fundamental Research & Ors. ...Petitioners

vs.

Mr.Amish Ashok Dalvi & Ors. ...Respondents

Mr.R.S. Apte, Senior Advocate, with Neel Helekar I/b. Mayuresh S. Lagu for
Petitioners.

Ms.Manda D. Loke for Respondent Nos.1 to 4.

CORAM : S.C. GUPTE, J.

DATE : 5 FEBRUARY 2020

P.C. :

This writ petition was argued before this court on 31 January 2020 and an order was even dictated. Subsequent thereto, the matter was mentioned before the court and circulated today.

2 Learned Counsel for the parties, instead of inviting an order of court on merits, suggest that the following order may be passed in *in vitum*. It is, ordered, accordingly as follows :

1. Respondent Nos. 1 to 4 have decided to withdraw the complaint filed by them before Industrial Court, Maharashtra, Mumbai, being Complaint (ULP) No. 220/2016 and the same stands withdrawn. The Industrial Court be intimated accordingly.
2. In view of withdrawal of the above complaint, orders passed in the said complaint do not survive.

3. Respondent Nos. 1 to 4 state that they want to approach CGIT / Labour Commissioner (Central) within a period of eight weeks from today for redressal of claims / disputes raised in the above mentioned Complaint (ULP) No. 220/2016.
4. Respondent Nos. 1 to 4 are at liberty to move an application before CGIT / Labour Commissioner (Central) for appropriate interim reliefs and such application, if made, shall be decided by the concerned forum / authority in accordance with law on its own merits and without being influenced by the interim arrangement in the present proceedings.
5. Purely as an ad-hoc arrangement, the Petitioner shall continue, for a further period of eight weeks from today, Respondent Nos. 1 to 4, through the newly appointed contractor; this interim arrangement to continue Respondent Nos. 1 to 4 is purely an ad-hoc arrangement and the same shall not be treated as adjudication on merits, *prima facie* or otherwise, while considering an application for grant of interim relief as well as the main proceedings by CGIT / Labour Commissioner (Central). CGIT / Labour Commissioner (Central) shall decide any such application in accordance with law as stated hereinabove, on its own merits and without being influenced by the present ad-hoc arrangement.
6. All contentions of both parties are expressly kept open.
7. No order as to costs.

8. The petition is disposed of accordingly.
9. All concerned to act on the authenticated copy of this order.

(S.C. GUPTE, J.)