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Kandarkar

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
LETTERS PATENT APPEAL NO. 203 OF 2010
IN
WRIT PETITION NO. 9019 OF 2009
WITH
CIVIL APPLICATION NO. 256 OF 2010**

The Proprietor,
Patwardhan Tailors, Saraswati
Vilas Building, Laxmi Road,
Pune-411030

.. Appellant/
Ori. Petitioner

Vs.

Mr. Subhash Dhondiba Ghanate
646, Ghorpadi Peth, Pune-411042

.. Respondent

....

Mr. Shailesh Chavan i/b Ashok Pandire Advocate for
Appellant
None for Respondent

....

**CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATED : JANUARY 03, 2020**

ORAL JUDGMENT [PER PRADEEP NANDRAJOG, C.J.]:

1. Request made to defer hearing is declined for the reason a workman is being unnecessarily put to inconvenience.

2. The respondent-workman had approached a Labour Court for redressal of his grievances and the defence taken by the Appellant was that there was no employer-employee relationship because the workman was working on piece rate basis. The defence succeeded. The workman approached the Industrial Court under its revisional jurisdiction which remanded the matter to the Labour Court noting that facets of evidence throwing light on the relationship was not considered. Appellant filed a Writ Petition challenging the order passed by the Industrial Court on 26th August 2009. Writ Petition No. 9019 of 2009 filed by the Appellant was dismissed vide impugned order dated 5th August 2010.

3. We have perused the evidence led before the Labour Court which has been filed by the Appellant in the appeal and indeed find that certain features of the relevant evidence have been overlooked by the Labour Court and thus a remand by the Industrial Court is justified.

4. The appeal is dismissed.

5. In view of the dismissal of the Appeal, Civil Application No. 256 of 2010 is dismissed as infructuous.

SMT. BHARATI DANGRE, J.

CHIEF JUSTICE