

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

WRIT PETITION NO.11985 OF 2019

M/s Saifee Hospital	...	Petitioner
Versus		
The State of Maharashtra		
Through Deputy Commissioner		
of Labour (Conciliation),		
Mumbai City, Mumbai		
And Others	...	Respondents

.....

Mr. Shailesh Naidu i/b Mr. Sanjay P. Shinde for the Petitioner.
Ms. Vaishali Nimbalkar, AGP for the State.
Mr. Mayuresh D. Nagle for Respondent No.2.

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CORAM : S.C. GUPTE, J.

DATE : 4 FEBRUARY 2020

P.C. :

. **Rule.** Rule taken up for hearing forthwith by consent of Counsel.

2 The writ petition challenges an order of reference passed by the Conciliation Officer in respect of a charter of demands under the Industrial Disputes Act, 1947. It is apparent that the demands practically involved declaration of a contract with a labour contractor as sham and bogus, and according permanency to the workmen concerned in the dispute by the principal employer. The impugned

reference made by Conciliation Officer indicates, by way of its terms of reference, that the reference pertains to reinstatement of the concerned employees with continuity of service and back wages. Learned AGP, appearing for the State, is not able to explain how this reference could be made in pursuance of the demands referred to above.

3 Rule is accordingly made absolute and the impugned order of the Deputy Labour Commissioner (Conciliation), Mumbai City, Mumbai dated 24 July 2019 is quashed and set aside and the demands are remitted to the Conciliation Officer for a fresh order in accordance with law. The writ petition is disposed of accordingly.

4 The Deputy Labour Commissioner (Conciliation) shall hear the parties and decide the matter of reference as expeditiously as possible and preferably within a period of two months.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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by Rajesh V.
Chittewan
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