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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9020 OF 2021**

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Hindustan Antibiotics Ltd.

...Petitioner

V/s.

The Deputy Chief Labour
Commissioner (Central),
Mumbai and Appellate Authority and anr.

...Respondents

Mr. D.G. Dhanure for the Petitioner.

Mr. S.H. Kankal, AGP for the Respondent – State.

**CORAM : G. S. KULKARNI, J.
DATE : DECEMBER 15, 2021.**

PC :

- 1] Not on board. Taken on board on an application being moved on behalf of the petitioner.
- 2] Heard learned counsel for the petitioner and learned AGP for the respondent / State.
- 3] An application filed by the petitioner before the appellate authority under the Payment of Gratuity Act, 1972 to stay the proceedings of 15 cases made by the petitioner on the ground that writ petition is filed before this Court is pending adjudication has been rejected by the impugned order. Copy of the petition filed by the petitioner being Writ Petition No. 10670 of 2019 is annexed at Exhibit-A colly.
- 4] Perusal of the principal prayers as made in the said petition would show that the prayers as made in such petition do not have any bearing whatsoever *qua* the proceedings before the appellate authority under the

Payment of Gratuity Act. The prayers in the writ petition are on larger issues.

5] In my opinion, the appellate authority has correctly rejected the stay application as filed by the petitioner. The appellate authority is also correct in observing that invoking of Section 10 of Code of Civil Procedure, 1908 in the present circumstances was totally misconceived. The appellate authority is also correct in observing that the arguments of the proceedings are concluded and now the authority was to proceed to pass final orders on the such application of the workmen. In these circumstances, it was for the petitioner to seek stay of the proceedings, which has been rightly turned down by the appellate authority. It appears that the intention is to prolong the settlement of the P.R. dues to the workmen. The petition is hence without merits. It is accordingly, dismissed. No costs.

(G. S. KULKARNI, J.)