

PMB

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

WRIT PETITION NO. 645 OF 2020

MEYER ORGANICS PVT. LTD.

..PETITIONER

VS.

FEDERATION OF MEDICAL AND SALES
REPRESENTATIVE ASSOCIATION OF
INDIA & ORS.

..RESPONDENTS

Mr. Avinash Jalisatgi a/w Mr. Siddhesh Shetye I/b. Mr. Vaibhav Jagdale for the Petitioner.

Ms. Jane Coax a/w Ms. Rohini Thyagarajan I/b. Ms. Karishma Rao for the Respondent No.1.

Mr. S.D. Rayrikar, AGP for the State-Respondent Nos.2 to 4.

CORAM : M.S.KARNIK, J.

DATE : AUGUST 9, 2021

P.C.:-

Heard learned counsel for the parties.

2. The order impugned in this Petition is passed by the Additional Commissioner, Labour, Mumbai on 22.02.2019 referring a dispute which was raised before him by the Respondent-Union to the Industrial Tribunal at Thane for adjudication under the Industrial Disputes Act, 1947.

3. It is the contention of learned counsel for the Petitioner that the employees of the Respondent-Union are working as Sales Promotion employees and therefore not covered by the definition of workman within the meaning of Industrial Disputes Act, 1947. It is also the contention that some of the employees covered by reference are working outside Maharashtra and therefore the appropriate Government will be that respective State Government where they are working and the present reference so far as these employees working outside Maharashtra is not tenable.

4. In my opinion, all these contentions can be raised before the Industrial Tribunal to whom the reference is made. Obviously the Industrial Tribunal will address the objections raised by the Petitioner in this Petition in the reference proceedings.

5. The Industrial Tribunal to decide the objections raised by the Petitioner on its own merits and in accordance with law.

6. I have not expressed any opinion on merits of any of the contentions. It will be open for the Respondent-Union to respond to the objections raised by the Petitioner which shall be dealt with by the Industrial Tribunal on its own merits.

7. Keeping all contentions open and with a liberty to the Petitioner to raise all the objections raised in the present Petition before the Industrial Tribunal, the present Petition is disposed of.

(M.S. KARNIK, J.)

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signed by
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MAKARAND
BHOGALE
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