

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 4629 OF 2022

Metro Brands Ltd.

... Petitioner

Vs.

Shivshankar Vasant Vayakar & Anr.

... Respondents

Mr. Avinash Jalisatgi a/w Adv. Siddhesh S. Shetye for the petitioner.
Mr. Vijay Vaidya a/w Adv. Mahendra Agvekar & Adv. Shraddha Chavan
for the respondents.

CORAM : NITIN W. SAMBRE, J.

DATED : 29th NOVEMBER, 2022

P.C.:

1. Heard.
2. By consent taken up for final disposal at this stage.
3. The challenge in the petition is to the order dated 13/10/2022 passed by the learned Member of Industrial Court, Mumbai below Exhibit-C-2 whereby prayer of the petitioner-employer/revision applicant for staying the order impugned dated 19/09/2022 passed by 4th Labour Court, Mumbai in complaint (ULP) No. 84 of 2020 came to be rejected.
4. The Labour Court vide its order dated 19/09/2022 passed in above referred complaint has granted relief of reinstatement with continuity of service. Having notice that the Labour Court has missed the issue as to grant of back wages, I am informed that corrective

order came to be issued on 21/11/2022 by the Labour Court thereby granting full back wages.

5. According to learned counsel for the petitioner, in view of the subsequent order dated 21/11/2022 even if hearing of the revision is expedited by Industrial Court, it will take sometime to make the revision ready for final disposal as the petitioner will be required to carry out amendment and the respondents as a sequel will get an opportunity to file reply resisting such prayer.

6. In response to the aforesaid submissions, learned counsel for the respondents submits that this Court may grant leave to amend to the petitioner thereby permitting appropriate amendment in the revision application ULP No. 59 of 2022 pending on the file of the Industrial Court, Mumbai. According to him, let the aforesaid amendment be carried out within specified period and the revision can be scheduled for final disposal within time bound manner.

7. There appears to be substance in the submissions of learned counsel for the respondents.

8. In the aforesaid background, the petitioner is granted liberty/leave to amend the revision referred above thereby incorporating challenge to the order dated 21/11/2022 passed by the Labour Court. Let the aforesaid amendment be carried out within a

period of two weeks from today. The petitioner to provide copy of the amended revision to learned counsel for the respondents who is appearing in the Industrial Court, at the time of carrying out the amendment. Same will enable learned counsel for the respondents to tender his response to the same i.e. amended revision within two weeks thereafter.

9. It shall be open for both the respective parties and their counsels to submit written notes within four weeks of date of amendment of revision before the Revisional Court. We expect the Revisional Court to decide the revision in any case by 31/03/2023 as both the parties have assured this Court that they shall be co-operating with the Industrial Court in deciding the revision finally.

10. In the aforesaid backdrop, the order impugned passed below Exhibit-C-2 is hereby quashed and set aside. It is directed that no further steps be taken till the decision of revision i.e. upto 31/03/2023 in the matter of implementation of the order of the Labour Court delivered on 21/11/2022 and 19/09/2022.

11. The petition stands partly allowed in above terms.

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(NITIN W. SAMBRE, J.)