

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9860 OF 2018
WITH
INTERIM APPLICATION NO.19134 OF 2022
IN
WRIT PETITION NO.9860 OF 2018

...

Jagannath Maruti Sanas & Anr.PETITIONERS

V/SS

M/s. Johnson & Johnson Ltd. & Anr.RESPONDENTS

...

Mr. M.T. Narvekar for the Petitioners.

Mr. Shraddha Naik for Respondent No.1 (through VC).

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CORAM: SANDEEP V. MARNE, J.

DATE : DECEMBER 18, 2023.

P.C.:

1 By the present Petition, Petitioners challenge order dated 20 February 2017 rejecting the Application at Exhibit U-97 for framing of three additional issues. Petitioners also challenge the order dated 28 November 2017 which was filed to seek review in the order dated 20 February 2017.

2 I have heard the learned Counsel appearing for the parties.

3 The main issue involved before the Labour Court is about veiled termination of the Petitioners. The Petitioners alleged that the

Respondent-Company has erroneously shown the factory to be sold to a transferee and on that count had prevented the Petitioners from performing their duties in the factory. In my view, the Labour Court had already framed the issues regard to validity of the termination, existence of employer relationship and validity of the transfer effected on 10th/11th August 1999.

4 It is Petitioners' case that the defence taken by the Respondent-Company about lack of employer employee relationship amounts to practice of fraud on the Petitioners. If it is the case of the Petitioners that the defence of the transfer of factory is fraudulent, the Petitioners would be at liberty to lead the evidence to prove the said assertion. No further issues need to be framed in that regard. In my view, therefore, the Labour Court has rightly rejected the application framing of two additional issues as sought for by the Petitioners. At the instance of the Petitioners, the Labour Court has already framed one additional issue about display of notice dated 29 July 2006. No further issues are required to be framed by the Labour Court. Petitioners would be at liberty to lead such evidence as they desire in support of their assertions.

5 With the above clarification, the Writ Petition is disposed of.

6 The Interim Application does not survive and the same is also disposed of.

(SANDEEP V. MARNE, J.)