

VRJ

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

WRIT PETITION NO.304 OF 2020

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The Automotive Research Association of
India

... Petitioner

V/s.

Pandurang Punja Avhad

... Respondent

Mr. Avinash Jalisalgi with Mr. T.R. Yadav i/by Mr.
Vaibhav Jagdale for the petitioner.

Mr. Nitin Arvind Kulkarni for the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 15, 2024

PC.:

1. By the impugned award, the Labour Court has answered the reference sent by appropriate government through Additional Labour Commissioner for adjudication partly in the affirmative, setting aside termination of the respondent and directing the petitioner to pay 50% of backwages from the date of termination till 31st May 2014.
2. The Labour Court recorded a finding that respondent is workman within the meaning of section 2(s) of the Industrial Disputes Act, 1947. The Labour Court further answered issue No.2 in favour of the respondent.
3. This Court in Writ Petition No.13369 of 2018 in earlier

round of litigation between the same parties remanded the proceedings back to the Labour Court after observing that the entire materials already on record are to be taken into consideration for arriving at fresh decision. Moreover, this Court also observed that issue in relation to appropriate government needs to be decided.

4. However on perusal of the impugned award, it appears that the documents produced by the petitioner by list dated 5th August 2016 have not been considered. It also needs to consider the issue of appropriate government in the form of Issue No.2.

5. The Labour Court, therefore, shall consider documents along with list dated 5th August 2016 and shall also consider the issue of appropriate government in the context of observations made by the Constitution Bench of the Apex Court in **Steel Authority of India Ltd. & Ors. vs. National Union Water Front Workers & Ors.** reported in AIR 2001 SC 3527. Hence, following order:

- a) The impugned award passed by the First Labour Court, Pune dated 14th October 2019 in Reference [IDA] No.328/2010 is quashed and set aside.
- b) The Reference is restored before the Labour Court, Pune.
- c) The Labour Court based on evidence already adduced by the parties shall decide the issue of workman and appropriate government based on documents produced by the petitioner referred above and in the light of judgment of the Apex Court in the case of **Steel Authority of India Ltd. &**

Ors. (supra).

d) The Labour Court shall decide all issues afresh by considering the materials already produced by the parties. Such exercise shall be completed within three months from the date of appearance of the parties.

6. The parties shall appear before the Labour Court on 26th February 2024 at 11:00 a.m.

7. The amount already deposited shall continue to remain invested until further orders from this Court.

(AMIT BORKAR, J.)