



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO.8 OF 2025

M/S. DUPONT SPORTSWEAR LTD., REP.
BY ITS AUT. REP., ASHOK KUMAR
JALAN

... APPLICANT

Versus

GOMANTAK MAZDOOR SANGH, REP. BY
THE GENERAL SECRETARY, PUTI
GAONKAR AND ANR

... RESPONDENT

Mr G. K. Sardessai, Advocate with Ms. Smrati Bangera, Advocate
for the Applicant.

Mr Shivraj Gaonkar, Advocate for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 13th November, 2025

P.C.

1. This is a review application which has been moved on the following two grounds, which, according to the Petitioner, constitute error apparent on the face of the record: (a) that the judgment in Writ Petition No.674 of 2021(Filing) dated 30.08.2024, under review, after recording the proposition laid down by the Supreme Court in Lakshmi Devi Sugar Mills Ltd. v/s. Ram Sarup & Others (in Civil Appeals Nos.244 and 245 of 1956 dated 24.10.1956) that a lockout is the antithesis of termination, proceeded to decide that the terms of reference made to the Tribunal also included the question as to whether there was termination of services of the employee. According

to the Petitioner, this is an error apparent on the face of the record since the issue raised was a jurisdictional one, which was answered contrary to the principles laid down in Lakshmi Devi Sugar Mills Ltd. (supra) and; (b) that the judgment under review proceeded on the erroneous factual assumption, on concluding that the reference also cover the issue of termination, to decide the question of legality of termination of the six workmen claiming relief in the matter.

2. There is no doubt that the only issue involved in the reference, perhaps, would be the legality of the lockout brought into force by the employer, and there was no issue of the legality of termination of service really involved. Nevertheless, this Court has considered this very argument in paragraphs 26 and 27 of the judgment and has rejected the submission, and has instead held that the wording 'reference' under Section 10 of the Industrial Disputes Act, 1947, was wide enough for the Tribunal to decide the issue of termination of services of the workmen as an issue incidental to the reference. It is settled law that in review jurisdiction, the Review Court cannot sit in judgment as to whether the view taken in the judgment under review is correct. This Court has taken a view on the basis on which it understood the law laid down in Lakshmi (supra) and has concluded that the issue of termination did arise within the terms of reference. This, in my opinion, is not an error apparent on the face of the record, nor does it relate to deciding in review jurisdiction, whether there was a jurisdictional error committed by this Court. These would be matters

for challenge in a higher forum where the Petitioner may seek the correction of the judgment on the basis of contentions raised by it.

3. There is, therefore, no case made out for reviewing the judgment dated 30.08.2024 of this Court, as I find no error apparent on the face of the record.

4. Review Application stands dismissed. No costs.

VALMIKI MENEZES, J.