

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9213 OF 2025

M/s. New World Paints Pvt Ltd

.. Petitioner

Versus

Suhas Dattatray Narkar

.. Respondent

.....

- Mr. Dinesh C. Patankar, Advocate for Petitioner

.....

CORAM : MILIND N. JADHAV, J.

DATE : JULY 14, 2025

P. C.:

1. Heard Mr. Patankar, learned Advocate for Petitioner.
2. Mr. Patankar has drawn my attention to the rules and responsibilities of a Senior Manager appended at page Nos. 37-38 of Petition. He would submit that in view of the said rules and responsibilities, the findings and observations returned by answering Point Nos. 1 and 2 in paragraph No. 8 of the impugned Award are unsustainable. He would persuade the Court to consider the present Petition. In his usual fairness, he would inform the Court that Petitioner-Company has not led any evidence before the Labour Court although it had entered appearance being under the impression that considering the designation, duties and salary of Respondent being a Senior Sales Manager with the Company and the nature of his duties, the Respondent cannot be a 'workman' within the meaning of the definition of workman under the Industrial Disputes Act, 1947. In

that view of the matter, his Complaint (ULP) before the Labour Court would not be maintainable. He would persuade the Court to allow the Petitioner Company to lead evidence to that effect if so required despite the Respondent himself having placed on record the necessary documentary material appended from page No 32 onwards of Petition under Exh.U-6 to U-9 which *prima facie* establishes the nature of duties of the Respondent and he cannot be treated or equated to a workman.

3. An arguable case is made out by Mr. Patankar on the basis of the aforesaid submissions. Hence, issue notice to the Respondent made returnable on 28.07.2025. Humdast permitted. In addition to Court's notice, Petitioner is directed to serve copy of the Petition along with copy of this order on the Respondent and inform about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof on or before the next date.

4. Stand over to **28th July, 2025.**

[MILIND N. JADHAV, J.]

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2025.07.14
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