

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14983 OF 2025
AND
WRIT PETITION NO.14984 OF 2025
AND
WRIT PETITION NO.14985 OF 2025

M/s. Posco Maharashtra Steel ... Petitioner
Vs.
General Mazdoor Sabha ... Respondent

Mr. Suresh Pakale, Senior Advocate a/w. Mr. Nilesh Desai and Mr. Vijay Vaidya
i/b. Mr. Mahendra Agvekar for Petitioner.

CORAM : MANISH PITALE, J.
DATE : NOVEMBER 21, 2025

P.C. :

1. Heard Mr. Pakale, learned senior counsel appearing for the petitioner company in these three petitions.

2. The main contention raised on behalf of the petitioner is that, the Presiding Officer of the Industrial Court, Thane, in these cases, committed an error in rejecting applications moved in reference proceedings, whereby the petitioner had prayed for a preliminary issue regarding jurisdiction of the tribunal being considered first before adjudication of other issues.

3. It is submitted that unless the said issue is decided, the jurisdiction of the tribunal to entertain the reference is in question and therefore, it would have been appropriate for the tribunal, while passing the impugned order, to allow the impugned applications.

4. It is vehemently submitted that since the question of jurisdiction

goes to the very root of the matter, unless the same is first decided, the tribunal ought not to have proceeded in the matter.

5. A perusal of the impugned orders passed by the tribunal, in the present case, shows that in each of the three cases, the tribunal has taken into consideration the dates when the statements of claim were filed by the employees union in pursuance of the reference being made, the dates when the written statements were filed on behalf of the petitioner company and also the fact that evidence of the employees' union had already commenced prior to such applications for framing preliminary issue being moved on behalf of the petitioner company.

6. It is a matter of record that the reference proceedings from which these three petitions arise pertain to the years 2014, 2015 and 2018. For all these years, when these proceedings were pending and they reached an advanced stage, the petitioner company did not take any steps for moving such applications. When the evidence on behalf of the respondent employees' union is being recorded, these applications have been moved. In such a situation, it cannot be said that the tribunal in the impugned order committed an error in relying upon the judgement of the Supreme Court in the case of *D. P. Maheshwari Vs. Delhi Administration and others*, (1983) 4 SCC 293, to hold that all issues need to be decided together.

7. The said observation has been made specifically in the backdrop of the fact that these references have been pending before the tribunal for periods ranging from 7 to 11 years. As noted hereinabove, the proceedings have also reached an advanced stage.

8. In the backdrop of these peculiar facts, the insistence of the petitioner company of relying upon the judgement of the Supreme Court in the case of *Gujarat Electricity Board Vs. Hind Mazdoor Sabha and*

others, **1995 I CLR 967**, and claiming that the tribunal ought to have decided the preliminary issue first, cannot be accepted.

9. The tribunal, in the impugned orders, has sufficiently taken care of the apprehensions of the petitioner company by observing that all issues sought to be raised on behalf of the petitioner company in the applications are kept open for consideration at the time of final adjudication.

10. Reference proceedings cannot be permitted to be delayed any further on such belated applications filed by the petitioner company.

11. In view of the above, this Court finds no merit in these writ petitions and accordingly, the petitions are dismissed.

12. Needless to say, the issue as to whether there is an employer-employee relationship between the parties goes to the root of the matter, which the tribunal shall decide in accordance with law. The questions pertaining to reinstatement etc. would obviously be dependent on the findings to be rendered on the aforementioned issue regarding employer-employee relationship. This Court has expressed no opinion on the merits of the matter. The reference proceedings pending before the tribunal are expedited.

(MANISH PITALE, J.)

Minal Parab