

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION NO. 3059 OF 2025**

The Hongkong and Shanghai  
Banking Corporation Limited

.....PETITIONER

**: VERSUS :**

Sachin Moghe

....RESPONDENT

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**Mr. Jayeeta Das** i/b. Desai & Desai Associate, for the Petitioner.

**Mr. Sachin Moghe**, Respondent in person present.

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**CORAM : SANDEEP V. MARNE, J.**

**DATED : 11 MARCH 2026.**

**P.C. :**

1) The petition challenges order dated 30 August 2024 passed by the Learned Presiding Officer, Central Government Industrial Tribunal-II, Mumbai (**CGIT**) directing that all issues framed shall be decided simultaneously.

2) I have heard Ms. Das the learned counsel appearing for the Petitioner and the Respondent appearing in person. The appropriate Government has referred the following reference by order dated 20 December 2016 :

“Whether Shri. Sachin Moghe, Purchase Manager-IT while working at HSBC Ltd. At its Malad Office, Mumbai is a workman within the meaning of Section

2(s) of the ID Act, 1947 and what was the nature of duties performed by him? If so, whether the action of HSBC in terminating his services w.e.f. 23.04.2012 were just and proper? If yes, what relief the Second Party would be entitled to?"

**3)** By order dated 23 March 2023, the CGIT has framed following 6 issues :

1. Whether Shri. Sachin N. Moghe, Purchase Manager-IT while working with HSBC Ltd. at its Malad Office, Mumbai is a workman within the meaning of section 2(s) of the ID Act, 1947 ? OPW.
2. If issue No.1 is proved, whether the action of management in terminating his services w.e.f. 23.04.2012 is just and proper? If so what relief ? – OPW
3. Whether the benefits post termination have not been given in full to the workman ? – OPW
4. Whether the management has violated the provisions of Sections 25G and 25H of the Industrial Disputes Act, 1947 ? – OPW.
5. Whether the reference is not maintainable ? OPM.
6. Relief.

**4)** There is nothing in the order dated 23 March 2023 which indicates that Issue no.1 is treated as a preliminary issue to be decided before taking up other issues for determination. Though no specific order was passed by the CGIT treating Issue No.1 as preliminary issue, the manner in which the statement of the Respondent was recorded on 23 March 2023 created an impression in his mind that the Tribunal is likely to take up issue No.1 for preliminary determination. This led to filing of applications at Exh.27 and 29 by the Respondent seeking a clarification that all issues be tried and decided finally. By the impugned order dated 30 August 2024, the CGIT has directed that all issues shall be tried and decided simultaneously.

5) In the present case, the Respondent has been discharged from service on 23 April 2012. A period of 14 long years has elapsed from the date of discharge. Even from the date of Reference, period of 10 years has PASSED. Without going into the issue as to which party is responsible for delay, it would be in the interest of the parties that the Reference is decided in an expeditious manner. In that view of the matter, it is not necessary at this belated stage to split the issues and treat Issue No.1 as preliminary issue. Since delay likely to be caused in decision of the proceedings is the relevant factor for determining whether to decide the issue of status as preliminary issue, in my view, it is appropriate that all issues are decided together. Considering the above position, I am not inclined to exercise extraordinary jurisdiction under Article 227 of the Constitution of India.

6) Leaving all issues on merits open, the Writ Petition is disposed of.

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SHAILESH  
SAWANT

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[SANDEEP V. MARNE, J.]