

Shabnoor

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

**WRIT PETITION NO.8151 OF 2025
WITH
INTERIM APPLICATION NO.875 OF 2026**

CMS Securities Ltd. ... Petitioner

V/s.

Bhartiya Kamghar Karamchari
Mahasangh & Ors. ... Respondents

Mr. Sudhir K. Talsaria a/w R. V. Paranjpe, and T. R.
Yadav, for the Applicant/Petitioner.

Mr. Kiran Bapat, i/b Yash Vyas, for Respondent No.2.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 6, 2026

PC.:

1. The Revisional Court, by the impugned order, remitted the proceedings back to the Labour Court and permitted the Union to lead evidence on the issue of denial of back wages. However, in the said order, the Revisional Authority observed that the Union had pleaded in its application that the concerned workers remained unemployed despite making repeated efforts to secure alternative employment.

2. The basis for remand was that the complainant Union had not led evidence to that effect. Once the necessary pleadings are found to be sufficient, the burden shifts upon the employer to establish that the workers were gainfully employed. If the Revisional Authority has concluded that the pleadings regarding

unlawful termination and continued non-employment are adequate, no further evidence from the workers is required to claim back wages. The parameters laid down by the Supreme Court in *Deepali Gundu Survase v. Kranti Junior Adhyapak Mahavidyalaya*, (2013) 10 SCC 324. Hence, there was no necessity for the workers to lead additional evidence in support of the said pleadings.

3. Hence, until further orders, the order dated 3 March 2025 passed in Revision (ULP) No. 67 of 2024 shall stand stayed.

4. Stand over to **6 March 2026**.

(AMIT BORKAR, J.)