

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 48 OF 2020

M/s.Hindustan Construction Co.Ltd
and ors .. Petitioners
Versus
Mr.Kishore Govind Magar .. Respondent

...

Mr. P.C. Pavaskar with Kanhaiya S. Yadav for the petitioners.
Shri Kishore G. Magar, respondent in person.

CORAM: RAVINDRA V. GHUGE, J.
DATED : 25th JANUARY, 2022

P.C:-

1 This Petition has been admitted by order dated 18/01/2021. The amount which was held to be due to be paid to the respondent, was directed to be deposited in the Court and the withdrawal of the said amount was without prejudice to the rights and contentions of the litigating parties. In the light of these facts, this Petition was admitted and the impugned judgment of the Labour Court was stayed vide the order of this Court dated 18/01/2021.

2 On 3/2/2020, this Court recorded a report as regards the intemperate and unruly behavior of the respondent. His act of abusing a lady Advocate whose assistance was granted through the High Court Legal Services Committee, Bombay, was recorded in the said report. It was further recorded that the respondent misbehaved with yet another Advocate Shri Gharte though the said Advocate was successful in defending the case of the respondent in WP No.311/2017. A further report dated 6/2/2020 indicates that Advocate Anand Pai was earlier appointed to report the respondent in the 2017 Petition. Thereafter, another lady Advocate was appointed in place of Advocate Pai. The respondent again made several allegations against Advocate Pai and the second lady Advocate, who therefore, withdrew herself from the proceedings. In short, the report submitted by the Establishment Officer dated 6/2/2020 clearly reflects the history of the behavior of the respondent in abusing several Advocates, including two lady Advocates, who were all appointed to assist him through the Legal Aid Services Authority. It was, therefore, finally ordered that the respondent would not be granted legal assistance through the Legal Aid Services Authority.

3 By an office report dated 3/3/2021, the Committee of the learned Registrars Judicial-I and Judicial-II, accepted the request of the respondent to permit him to represent his own case.

4 This matter has been listed today due to the Application filed by the respondent worker for seeking an out of turn final hearing in this matter which was filed in 2020.

5 It is undisputed that the issue in this matter is a challenge by the employer to the judgment of the Labour Court delivered under Section 33C(2) of the Industrial Disputes Act, 1947, granting unpaid amounts to the respondent. These amounts have already been deposited in the Court and admittedly, the respondent has withdrawn the said amounts.

6 In view of the above, I do not find that this petition deserves to be taken up for final hearing out of turn, when thousands of litigants are waiting in queue, seeking a final hearing in their Petitions lodged in the last two decades.

7 As such, the Registry of this Court is directed that no further request of the respondent would be entertained for an out of turn final hearing and the matter would be taken up in regular course.

RAVINDRA V. GHUGE, J