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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 6964 OF 2020

BOMBAY HOSPITAL TRUST ..PETITIONERS
vs.
SHANKAR CHAVAN & ORS. ..RESPONDENTS

**WITH
WRIT PETITION (L) NO. 7055 OF 2020**

BOMBAY HOSPITAL TRUST ..PETITIONERS
vs.
MANISHA KHOT & ORS. ..RESPONDENTS

Mr. Sudhir Talsania, Senior Advocate, Mr. Nauraj Jalota, Counsel,
Mr. Sanjay Udeshi a/w. Mr. Netaji Gawade a/w. Mr. Kaushal Udeshi
i/b. M/s. Sanjay Udeshi & Co. for the petitioners.
Mr. Ashok D. Shetty a/w. Ms. Rita K. Joshi a/w. Mr. Swapnil Kamble
for respondents.

CORAM : M.S.KARNIK, J.

DATE : FEBRUARY 5, 2021

P.C.:-

Heard learned Senior Advocate for the petitioners and
learned counsel for the respondents.

2. Learned Senior Advocate invited my attention to the
settlement dated 22/12/2014 especially clause relating to the
terms of the settlement which provides that the provisions of the
settlement shall be applicable to all permanent workmen who are
on the pay roll of the Hospital on the date of signing of this

settlement and as well as those permanent workmen who may be subsequently employed on the roll of the Hospital in the above mentioned pay scale. Admittedly, the respondents had retired/superannuated prior to the signing of the settlement.

3. The Industrial Court held that the respondents will be covered by the settlement. It is the contention of learned Senior Advocate that the settlement will not govern the respondents - original complainants.

4. Shri Shetty relies upon the decision of the Division Bench of this Court in the case of **Godrej Industries Ltd. (Formerly known as Godrej Soaps Ltd.) Mumbai v. Prakash T. Kadam, Mumbai**¹.

5. Perused the order of the Industrial Court. Arguable questions are raised, hence **Rule**. Rule is made returnable after ten (10) weeks. Learned counsel Shri Shetty waives service of rule on behalf of the respondents.

6. There shall be an interim relief in terms of prayer clause (b) during the pendency of the Petition.

(M.S.KARNIK, J.)

¹ 2018 I CLR 872