

Gaikwad RD

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2350 OF 2021

The Bombay Telephone Canteen Employees
Association ...Petitioner
Versus
Mahanagar Telephone Nigam Ltd Mumbai & Anr ...Respondents

Mr Mukesh Vashi, Senior Advocate, with Vaishali Sanghavi, Ameet Mehta & Mihir Aswani, i/b SOLICIS LEX, for the Petitioner.
Mr Karan Bhosale, with Anuja Divadkar & Anisha Didwania, i/b NDB Law, for the Respondents.

**CORAM G. S. Patel &
Neela Gokhale, JJ.**
DATED: 19th June 2023

PC:-

1. Mr Vashi states that a comprehensive representation with all necessary documents, computations, submissions, and calculations will be submitted to the Deputy Joint Manager, Administration, MTNL at Telephone House, MTNL Marg, Dadar, back 400 028 by back July 2023.
2. We request the officer to consider this representation on merits and pass a reasoned order in the case of every one of the 49 applicants at his earliest convenience and, in any event, within six weeks from the date of receipt of the submission.

3. We have allowed the Petitioner time because the matter has history going back several years. In that time, officers of MTNL will undoubtedly have changed. Old records will need to be examined and hence this additional allowance of time. We clarify that we have not expressed any opinion on the merits of the matter, nor we have asked the Mahanagar Telephone Nigam Ltd (“MTNL”) to necessarily accept the claim as presented by the Petitioners. MTNL is required to pass a decision on merits but, we are clear that this decision should address the case of every one of the 49 persons separately. This necessarily means that it is perfectly possible that only the claim of a few of the members of the Petitioner may come to be accepted.

4. Mr Bhosale in fairness states that it may be convenient to permit the representatives of the Petitioner to explain the submissions since the matter is old and had travelled right up to the Supreme Court. The officer of the MTNL will coordinate with the Advocates for the Petitioner to fix a date for hearing. Mr Bhosale is also correct in saying that all 49 persons should not be permitted to crowd into the MTNL office. Only their advocates and one or two representatives are permitted.

5. List the matter on 30th August 2023, high on board.

(Neela Gokhale, J)

(G. S. Patel, J)