

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.358 OF 2021

GKB OPHTHALMICS LTD., REP. ...PETITIONER
THR.ITS SENIOR MANAGER HR AND
ADM., CEDRIC LOBO

VS

WORKMEN, REP. BY GOA TRADE AND
COMMERCIAL WORKERS UNION,
THR. ITS GEN. SEC., RAJENDRA ...RESPONDENTS
MANGESHKAR

Mr. A. Nigalye, Advocate with Mr. Omkar Kulkarni, Advocate for the
Petitioner.

Mr. Shivraj Gaonkar, Advocate for the Respondent.

**CORAM: M.S. SONAK &
R.N. LADDHA, JJ.**

DATED: 5th July, 2022

P.C:

Heard Mr. A. Nigalye, learned Counsel for the petitioner and
Mr. Shivraj Gaonkar, learned Counsel for the respondent.

2. We have perused the note of the Registry seeking directions
whether the matter pertains to the assignment of the learned Single Judge or
the Division Bench.

3. The Bombay High Court Appellate Side Rules, 1960 as amended
in the year 2014 are quite clear. Rule 18 of Chapter I, Item 8 provides that

the petitions to challenge the orders passed under the Industrial Dispute Acts, 1947 will pertain to the assignment of the learned Single Judge.

4. The above issue was also considered by the Full Bench of Madhya Pradesh High Court in the context of similar Rules. The Full Bench held that the petition would pertain to the assignment of the learned Single Judge after considering the law laid down in *L.Chandra Kumar v/s. Union of India and others*¹.

5. The objectors have not produced any material to establish that the Central Government Industrial Tribunal, which is basically the Tribunal constituted under the Industrial Disputes Act, 1947 is a Tribunal constituted under Article 323 (B) of the Constitution.

6. In this case, we are not concerned with any challenge to the order made by the Central Administrative Tribunal. Therefore, we think this matter will pertain to the assignment of the learned Single Judge.

R.N. LADDHA, J.

M.S. SONAK, J.

¹ AIR 1997 SC 1125