

**BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL, MUMBAI**

PRESENT

SMT. PRANIT MOHANTY  
IN-CHARGE PRESIDING OFFICER

REF. NTB-2 OF 2021

08.9.2021

Mr.B.K.Ashok, learned counsel for the management is present.

Mr.Bennett D'Costa, learned counsel present on behalf of the Federation of Press Trust of India.

The matter came up today for filing of the reply to the applications filed by the first party management. Written reply to both the applications filed today by the workman and copies served. On consent of the A.R. for both the parties, both the petitions filed by the management were taken up for consideration. In the said petitions the management first party has prayed that some of the claimants have already received the retrenchment compensation and at the same time they are contesting the present dispute. In view of the situation, it is desirable that the claimants contesting the dispute should furnish the details as to who are desirous of contesting the dispute. If they intend to contest the dispute should be directed to return the retrenchment compensation.

In his reply the claimants have stated that they accepted the retrenchment compensation with protest and merely because they accepted the retrenchment compensation that does not mean that their right to raise the

industrial dispute shall seize. The learned A.R. drew the attention to the document filed along with the claim petition G-1. on the basis of this document he argued that the retrenchment compensation is statutorily paid and the same cannot be equated with the monetary benefits given to an employee accepting V.R.S. He thereby argued that this issue can be very well considered at the time of final adjudication of the matter.

On considering the submission, it is found that the issue involves proof of certain facts which can only be done at the time of final adjudication of the matter. Hence, it is directed that the application filed by the first party management shall remain pending for adjudication at the time of final adjudication.

Draft issues have not yet been filed though pleading has been completed. Call the matter on 20.10.2022 for framing of issues.

PRESIDING OFFICER