

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 397 of 2015**

President, CG Marketing Federation Daily Wages Workmen Union, Khairagarh,
Through Bhanu Pratap Verma, S/o Aamilal Verma, aged about 45 years, R/o
village Pipariya, Tehsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Appellant**Versus**

1. Kisan Rice Mill, Through Manager Kisan Rice Mill, Khairagarh, District Rajnandgaon, Chhattisgarh.
2. Labour Judge under Industrial Disputes Act, Labour Court, Rajnandgaon, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Vinod Deshmukh with Shri KPS Gandhi, Advocates
For Respondent No. 1	:	Dr. N.K.Shukla, Senior Advocate with Shri Shailendra Shukla, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Navin Sinha, Chief Justice****27/08/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 207 days in filing the appeal.
2. The present appeal arises from order dated 17.11.2014 allowing Writ Petition (227) No. 4601 of 2008 holding that the Labour Court had no jurisdiction to entertain the dispute with regard to removal of daily wage labourer as the jurisdiction lay with the Registrar of Cooperative Societies alone under Section 55(2) of the Chhattisgarh Cooperative Societies Act (hereinafter referred to as 'the Act').
3. Learned Counsel for the Appellant submitted that the delay in filing the appeal was bonafide and not intentional. If the delay is not condoned, it will cause miscarriage of justice.

4. Learned Counsel for the Respondent No. 1 submitted that no explanation worth the name has been furnished in the application to condone delay. In any event, the Learned Single Judge has not left the Appellants remediless. They can easily approach the authorities under Section 55(2) of the Act as observed by the Learned Single Judge.

5. The writ petition was disposed on 17.11.2014. The application for condonation of delay states that the Appellant received copy of the order on 2.12.2014. It is worthwhile to notice that he is the President of Daily Wage Workers Union. Yet, he does not explain that if he received a copy of the order on 2.12.2014, why the appeal was filed after inordinate delay of 207 days on 11.8.2015. Delay can be condoned provided sufficient cause is shown. The grounds urged in the application for condonation of delay by any stretch of imagination cannot be considered as sufficient ground to condone the delay.

6. In any event, the Learned Single Judge has only allowed the writ petition on the ground of lack of jurisdiction observing that the Appellant can pursue its remedies before the appropriate authority under Section 55(2) of the Act.

7. The application for condonation of delay is therefore dismissed. The appeal consequently fails.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE