

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.11606 OF 2010 IN
LETTERS PATENT APPEAL ST.NO.23065 OF 2010 IN
WRIT PETITION NO.7320 OF 2008

Area Manager,
National Seeds Corporation Ltd.,
132-A, Old MIDC Area,
Ajinhtha Road, Jalgaon.

Applicant

Versus

Ashok s/o Jagannath Bhole

Respondent

Mr.A.M.Phule, advocate for the applicant.
Mr.B.S.Deshmukh, advocate for Respondent-sole.

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 07th August, 2015

PER COURT:

This is an application seeking condonation of delay of 398 days occurred in presenting instant appeal.

For the reasons stated in the application, application deserves to be allowed and same is accordingly allowed. Delay of 398 days occurred in presenting instant appeal stands condoned.

Civil Application stands disposed of.

**P.R.BORA
JUDGE**

adb/ca1160610

**R.M.BORDE
JUDGE**

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Appellant

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PER COURT:

1 Perused the judgment and order passed by the learned Single Judge in Writ Petition No.7320 of 2008 on 08.06.2009.

2 An application presented by the appellant Management, being Misc. Application (ULP) No.29 of 2003, for recalling *ex parte* order passed by the Industrial Court in Complaint (ULP) No.2252 of 1999 on 09.06.2003, came to be rejected on 29.01.2008 and the said order was subjected to challenge in the writ petition presented by the appellant-Management before learned Single Judge.

2 The employee approached Industrial Court by filing

Complaint (ULP) No.2252 of 1999, contending that the Management has committed unfair labour practice under Item Nos.6, 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. It is the contention of the employee that he has worked continuously for the period of 240 days in a calendar year and that the Management has refused to grant him benefits of permanency. The Industrial Court, considering the Complaint lodged by employee, granted him the benefits, as requested by him.

3 It is noticed that the Management did not prosecute the Complaint diligently and same was decided *ex parte*. In spite of receipt of summons, the Management did not take steps to prosecute the complaint and file written statement controverting the contentions raised by the employee. There is no justifiable reason for the Management to keep itself away from the proceedings. The learned Member, Industrial Court, Jalgaon, as such, was justified in turning down the Misc. Application (ULP) No.29 of 2003 presented by the Management, praying for recalling the *ex parte* order. We have perused the order passed by the learned Single Judge. The order is reasonable, proper and does not call for any interference. There is no merit in the appeal.

4 Letters Patent Appeal stands dismissed.

P.R.BORA
JUDGE

adb/ca1160610

R.M.BORDE
JUDGE