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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.133 OF 2015
IN
CIVIL APPLICATION NO.4054 OF 1999
IN
WRIT PETITION (STAMP) NO.25276 OF 1998**

Madhav Tukaram Gomase. ..Applicant/orig.Petitioner
-Versus-
The State of Maharashtra and another. ..Respondents

.....
Mr.M.D.Narwadkar, Advocate for the Applicant.
Mr.U.H.Bhogle, AGP, for the Respondents/State.
.....

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th January, 2015

Per Court:

1 I have heard the learned counsel appearing for the Applicant
and the learned AGP for the Respondents/State.

2 Writ Petition (stamp) No.25276/1998 was refused
registration by the order of the Registrar dated 12.04.1999 on account of
non removal of office objections.

3 Civil Application No.4054/1999 was filed requesting for
recalling of the order of the Registrar refusing registration of the Writ

Petition and for removal of office objections. The said Civil Application was dismissed in default by the order of this Court (Coram : A.B.Naik, J.) on 10.01.2002.

4 It is stated that the earlier Advocate for the Applicant (Mr.S.R.Sankaye) unfortunately passed away on 09.05.2002. This Civil Application seeking restoration of the Civil Application No.4054/1999 has been filed on 20.10.2012.

5 The Applicant submits that he had joined the duties with the Second Respondent as a daily-wager in January, 1982. He was removed from his temporary engagement on 31.05.1987. He claims to have put in continuous and uninterrupted service.

6 The Applicant filed Complaint ULP No.164/1994 before the Industrial Court at Jalna seeking regularization in employment. The said complaint was dismissed by the judgment and order dated 30.10.1998.

7 In my view, the complaint seeking regularization and permanency was not maintainable when the Applicant was already terminated as a daily-wager on 31.05.1987, practically seven years prior to the lodging of the complaint.

8 Writ Petition (stamp) No.25276/1998 was filed assailing the judgment of the Industrial Court dated 30.10.1998. There is a delay of almost 12 years in preferring this Civil Application. The reasons set out in paragraphs 3, 4 and 5 do not justify this delay. As such, I do not find any merit in this Civil Application.

9 In the light of the above, this Civil Application is rejected.

10 At this stage, the learned Advocate appearing for the Applicant prays that the Applicant may be given the liberty to avail of any alternate remedy under the Industrial Disputes Act, 1947.

11 Needless to state, in the event any such remedy is legally available to the Applicant, he may have the choice to take recourse to it.

12 No order as to costs.

(RAVINDRA V. GHUGE, J.)