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

**CIVIL APPLICATION NO.3101 OF 2014
IN
WRIT PETITION NO.8367 OF 2006**

Mohd. Abdul Samad Mohd. Multan.
Deceased, through L.Rs.. ..Applicant

-Versus-

The Nanded District Central
Cooperative Bank Ltd.. ..Respondent

**WITH
CIVIL APPLICATION NO.12947 OF 2014
IN
WRIT PETITION NO.8367 OF 2006**

The Nanded District Central
Cooperative Bank Ltd., Nanded. ..Applicant

-versus-

Mohd. Abdul Samad Mohd. Multan.
Deceased, through L.Rs. ..Respondents

.....
Mr.PP.Deshpande, Advocate for the Applicant in CA/3101/14 and for the
Respondents in CA/12947/2014.

Mr.K.J.Suryawanshi and Mr.S.S.Dambe, Advocates for the
Respondent/Bank in CA No.3101/2014 and for the Applicant in
CA/12947/2014.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 06th February, 2015

Per Court:

1 The Applicant in Civil Application No.3101/2014 was the

Respondent/ Employee who has passed away. Therefore, the application is filed through his son Mohammad Abdul Samir. It is stated in the application that the judgment of the Labour Court in Complaint (ULP) No.83/2003 dated 21.12.2005 and the judgment of the Industrial Court in Revision (ULP) No.12/2006 dated 25.09.2006 are in favour of the deceased employee. The Writ Petition has been preferred in this Court by the Respondent/ Bank for challenging the said two judgments.

2 The said employee passed away on 11.11.2012 and the Petitioner/ Employer was intimated of the demise of the employee by a communication dated 08.02.2013. Yet, the Petitioner/ Employer took no steps. It is, therefore, prayed that the Writ Petition be disposed of as being abated.

3 The Petitioner/ Employer has preferred Civil Application No.12947/2014 praying for condonation of delay of 676 days and permitting the Petitioner to bring the legal representatives of the deceased employee on record so as to prosecute the petition.

4 The learned counsel appearing for the Applicants, representatives of the deceased employee, submits that this Court had passed an order on 05.12.2014 granting last chance to the Petitioner/

Employer to take steps for bringing legal representatives on record. Civil Application No.12947/2014 has been filed on 17.12.2014 which is two days beyond the time period granted to the Petitioner/ Employer. He, therefore, submits that the said Civil Application filed by the Employer-Bank be rejected and the Civil Application filed by the legal representatives of the deceased employee be allowed.

5 I find from the Civil Application filed by the Petitioner/ Employer that there is no explanation at all to indicate as to the circumstances which precluded the Petitioner from filing the said Civil Application. There is one ground put forth that such an application for the said purpose was sworn on 24.02.2013 and the same went missing.

6 The Writ Petition involves a service dispute. The judgments of the Labour Court as well as the Industrial Court are in favour of the deceased employee.

7 Taking an overall view of the matter, the delay of 676 days caused by the Petitioner/ Employer in filing Civil Application No.12947/2014 is condoned. Civil Application No.12947/2014 is allowed. However, the Petitioner/ Employer Bank shall pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand) to the Opponent No.1, who

is mother of the Opponent Nos.2 to 6 who are children of the deceased employee, within a period of THREE WEEKS from today.

8 In the event such an amount is not paid within the time prescribed above, this order shall stand recalled and Civil Application No.12947/2014 shall stand rejected and ultimately, the Writ Petition itself would also stand abated.

9 On payment of the above amount, the legal representatives of the deceased employee be brought on record within a period of ONE WEEK from the date of such payment.

10 In the light of the above, Civil Application No.3101/2014 filed by the legal representatives of the deceased employee stands disposed of.

(RAVINDRA V. GHUGE, J.)