

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 449 OF 2015

Ajit Baburao Bedagkar,
R/o. 1/26, Near New Palace,
Post Office, Kolhapur.

... Petitioner

v/s

Kolhapur Municipal Corporation
Transport Corporation,
Shahu Cloth Market, C Ward, Kolhapur
(through its Transport Manager).

... Respondent

Mr.Kedar Lad for the petitioner.

Mr.Abhijit Adagule for the respondent.

CORAM: N.M. JAMDAR, J.

DATED : 8 DECEMBER 2015

ORAL ORDER:

The petition challenges the order passed by the Industrial Court, Kolhapur. By order dated 19 August 2015, parties were put to notice that Court will take up the petition for final disposal at the admission stage itself.

2. The Petitioner challenges the order passed by the Industrial Court, Kolhapur, dated 19 January 2014 dismissing Complaint (ULP) No.327 of 1998 filed by the Petitioner on the ground that it

is barred by limitation.

3. The Petitioner was working as a Conductor with the Respondent Corporation. He was charge-sheeted and an enquiry was conducted and he was dismissed from service on 24 February 1997 and he filed a Complaint on 16 July 1998. Before the Industrial Court, it was contended by the Petitioner that there is no delay as there is recurring cause of action and, therefore, no application for condonation of delay was filed.

4. Learned counsel for the Petitioner, after arguing for some time states that, considering the fact that limitation applies, he will file an application seeking condonation of delay in filing the Complaint.

5. In view of this position and that the ground for rejection of the Complaint is that no separate application is filed, it is not necessary to examine the issue any further.

6. The writ petition is accordingly disposed of by setting aside the order dated 19 November 2014 and restoring Complaint (ULP) No.327 of 1998 with the file on condition that the Petitioner files an application for condonation of delay within a period of six weeks from today. After the application is so filed, the same will be considered on its own merits by the Industrial Court and all contentions of the parties regarding the condonation of delay are kept open. The Respondents will be entitled to file their reply.

7. Learned counsel for the Petitioner states that the Petitioner will cooperate with the early disposal of the application since the Complaint has been dismissed once for non-prosecution and restored.

8. Writ petition disposed of in the above terms.

9. Parties will appear before the Industrial Court, Kolhapur, on 21 December 2015 and apprise the Industrial Court of the order passed.

10. All parties to act on the authenticated copy of this order.

(N. M. JAMDAR, J.)