

Sequeira

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

WRIT PETITION NO. 1348 OF 2012.

Shri Bharat Kashinath Kadam & anr. .. Petitioners

Vs.

Indapur Sahakari Sakhar Karkhana
Ghagargaon Pune. .. Respondent

Mr.Rahul Kate, for Petitioners.

Mr.Vilas Jadhav i/b Mr.A.P.Vanarase, for the Respondent.

***CORAM: N.M.Jamdar, J.
Wednesday 9 September, 2015***

PC.:

By this petition, the Petitioners challenge the order passed by the Industrial Court Pune dated 1 February 2006 dismissing the Complaint (ULP) No.403 of 2001 filed by the Petitioners.

2. The Complaint was filed by the Petitioners alleging unfair labour practice on the part of the Respondent on the ground that the Respondent had failed to give effect to the order passed by the Labour Court in Application (BIR) Nos.24 and 25 of 1993. The Industrial Court in the impugned order found that inspite of the order dated 15 November 2000 allowing the application filed under Bombay Industrial Relations (BIR) Act, 1946 when the Respondent called the Petitioners to attend duty, they did not do so and also that the Petitioners did not avail of the remedy of filing a Criminal complaint.

3. The Petitioners have approached this Court invoking its equitable jurisdiction. The conduct of the Petitioners at each stage is of gross delay and disinterest in pursuing their rights. The order dated 15 November 2000 was passed on the application under BIR Act. The Respondent issued letters to the Petitioners immediately thereafter. However the Petitioners did not attend the work. Even after the Complaint was disposed of by the impugned order on 1 February 2006, the Petitioners made no efforts to file a Criminal complaint as indicated by the Industrial Court. The present Writ petition is after period of six years. The petition also was dismissed for default twice and restored. It is informed that now the Petitioners have also reached the age of superannuation.

4. Considering the gross delay and apathy at each stage by the Petitioners, it is not a fit case for exercising the equitable jurisdiction. The Writ petition is accordingly rejected.

(N.M.Jamdar, J.)

“Certified to be true and correct copy of original signed Order.”