

JPP

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

CIVIL WRIT PETITION NO. 4757 OF 2015

Bapu Haribhau Pansare.

... Petitioner.

V/s.

The Manager, Pune District Central
Co-operative Bank Ltd.

... Respondent.

Mr. Atul P. Vanarse for the Petitioner.
None for the Respondent.

CORAM : N.M. JAMDAR, J.

DATE : 31 AUGUST, 2015.

P.C. :-

By this Petition the Petitioner challenges the order passed by the Industrial Court, Pune on 27 November 2014 allowing the Revision Application filed by the Respondent and setting aside the order of the Labour Court, Pune allowing the application for condonation of delay filed by the Petitioner.

2. The Petitioner filed a Complaint (ULP) No. 141 of 1996, which was dismissed for default on 22 July 2004.

Thereafter, the Petitioner took out a Misc. (ULP) No. 3 of 2011 in the year 2011 to recall the order of dismissing the matter for default. The Labour Court by order dated 1 August 2014 allowed the application and condoned the delay and restored the original complaint. The Industrial Court by the impugned order dated 27 November 2014 allowed the Revision Application. Mr. Vanarse, the learned Counsel for the Petitioner submitted that the Petitioner was working as a Peon and his financial condition is not sound, and due to various reasons, which are taken note by the Labour Court, delay had occurred and which was rightly condoned by the Labour Court. He submitted that the Industrial Court was not justified in interfering with the order passed by the Labour Court and in the interest of justice, the complaint be restored.

3. It is not possible to accept the submissions. The Industrial Court has relied upon the decisions of this Court in case of power of the Courts hearing the complaint under the M.R.T.U. & P.U.L.P. Act, 1971 to condone the delay. It is not shown how this view taken is incorrect in law. Apart from this legal position, even assuming it is permissible to consider the application, the delay from 2004 to 2011 has not been satisfactorily explained. The ground put forth by the Petitioner that he was not well and generally and he was at native place could have been considered if it was within a reasonable time period. However, such casual explanation cannot be given for delay of 7 years. The Labour Court has also not dealt with the prejudice which will be caused to

the Respondent by restoration of a complaint of the year 1996 in the year 2014. The Industrial Court was right in interfering with the order of the Labour Court. There is neither any illegality nor any perversity in the impugned order. The Writ Petition is accordingly rejected.

(N.M. JAMDAR, J.)

C E R T I F I C A T E

“ I certify that this order uploaded is a true and correct copy of original signed order.”

Uploaded by : Jyoti Pawar

Uploaded on : 3/9/2015