

JPP

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

WRIT PETITION NO. 6702 OF 2015

Pen Municipal Council and Anr. ... Petitioners.

V/s.

Smt. Shivani S. Nakte. ... Respondent.

Mr. P.N. Anaokar a/w. Rahul D. Oak for the Petitioners.

Mr. Rahul Nerlekar for the Respondent.

CORAM : N.M. JAMDAR, J.

DATE : 30 NOVEMBER, 2015.

P.C. :-

The Petitioner – Municipal Council challenges the order passed by the Industrial Court, Thane dated 17 April 2015 and of the Labour Court, Mahad dated 30 April 2005.

2. The Respondent is in employment of the Petitioner since 1 July 2003. She was appointed in place of her husband on compassionate basis as her husband could not continue due to medical reasons. Since the Respondent apprehended termination from service, she file Complaint (ULP) No. 37 of 2004 which was allowed by the Labour Court on 30 July 2005. The Labour Court

restrained the Petitioner from terminating the services of the Respondent except by following due process of law or if the Respondent committed any misconduct in future. The Petitioner thereafter filed a Revision before the Industrial Court which was dismissed by order dated 17 April 2015. The Industrial Court, relying upon the decision of the Apex Court in the case of *Nedungadi Bank Limited V/s. K.P. Madhavankutty [(2000) AIR (SC) 839]*, came to conclusion that the Revision was filed belatedly without any justification and could not be entertained.

3. This approach of the Industrial Court cannot be termed as perverse or illegal as the Revision was filed by the Petitioner after the delay of eight years. That there is no limitation prescribed does not mean that a party can invoke the remedy at any time and must do so within reasonable period. Lapse of eight years without any explanation cannot be termed as reasonable period. As far as the order of the Labour Court is concerned, the order is passed in the year 2005, the Respondent is continued to work on her post. Liberty is already granted to the Petitioner to take steps as per law.

4. In the circumstances, the Writ Petition cannot be entertained and is accordingly rejected.

(N.M. JAMDAR, J.)