

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

WRIT PETITION NO. 10201 OF 2015

Balso Raghunath Gunjavate	... Petitioner
v/s	
Divisional Controller, Maharashtra State Transport Corpn., Sangli.	... Respondent

***ALONG WITH
WRIT PETITION NO. 10197 OF 2015***

Jaywant Shivaji Pol	... Petitioner
v/s	
Divisional Controller, Maharashtra State Transport Corpn., Sangli.	... Respondent

***ALONG WITH
WRIT PETITION NO. 10199 OF 2015***

Rajaram Bhiva Kumbhar	... Petitioner
v/s	
Divisional Controller, Maharashtra State Transport Corpn., Sangli.	... Respondent

***ALONG WITH
WRIT PETITION NO. 10369 OF 2015***

Ravindra Shankar Desai	... Petitioner
v/s	
Divisional Controller, Maharashtra State Transport Corpn., Sangli.	... Respondent

Mr.Kedar Lad along with Rushikesh Patil for the petitioner in all petitions.

None present for the respondents.

CORAM: N.M. JAMDAR, J.
DATED : 8 DECEMBER 2015

P.C.:

By these petitions, the Petitioners challenge the Award of the Labour Court, Sangli, dated 8 April 2015 answering the Reference in negative. The Petitioners filed Complaint on the ground that they worked from 1985 to 1991 as sweepers with the Respondent Corporation. A Complaint was filed through the Union in the year 1991, which was dismissed in 1996 on technical ground with liberty to file a fresh complaint. Thereafter they gave demand notice in April 2010 which was not accepted and therefore Reference was made. The Industrial Court found that there was a delay of 20 years in approaching the Court after their termination and also that the Petitioners were engaged for a limited period of time for washing and sweeping the buses at a particular fixed rate. The Industrial Court found that there was no employer-employee relationship and the claim made by the Petitioners was hopelessly belated.

2. Learned counsel for the Petitioners submitted that the Union had earlier filed a Complaint and after it was dismissed on technical ground, the Petitioner gave a demand notice and therefore there was delay. This explanation cannot be accepted.

Even assuming that the Union had filed a complaint in the year 1991 and that Petitioners were members of the said Union, or that it was in representative capacity, said Complaint was dismissed in July 1996 and demand notice is given in April 2010 for reinstatement and full back wages. In the light of such hopelessly delayed action on the part of the Petitioners, no fault can be found with the impugned order of the Labour Court.

3. The writ petitions are accordingly rejected.

(N. M. JAMDAR, J.)