

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3122 OF 2015.

(MUNICIPAL COUNCIL, BHANDARA...VS..SMT. SINDHU SHYAMRAO DHORE & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JULY 03, 2015.

Heard Mr A.S.Ambatkar, the learned advocate for
the petitioner.

The Municipal Council has filed this petition challenging the order passed by the Industrial Court allowing the complaint filed by the respondent No.1. The complaint of the respondent No.1 was allowed on 14th March, 2012. The present petition is filed on 16th April, 2015. There is no explanation in the petition as to why there is inordinate delay in filing the petition. In paragraph No.4 of the petition it is stated that the advocate representing the petitioner before the Industrial Court came to be appointed as Judicial officer and therefore, the matter went unattended. However, the relevant details are not given in the petition. It is not stated as to when the advocate representing the petitioner came to be appointed as the Judicial Officer. Apart from this, as the order passed by the Industrial Court on 14th March, 2012 was not complied with, the respondent No.1 filed an application under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. In this matter also the petitioner has not put in appearance and this matter is also decided *exparte* against the petitioner

on 10th January, 2014. The learned advocate for the petitioner has pointed the explanation given by the petitioner in paragraph 5 of the petition for this lapse. After going through the contents of paragraph No.5, I am not convinced that the explanation given by the petitioner in this regard can be accepted.

The petition is dismissed with costs quantified at Rs.Ten Thousand to be deposited by the petitioner with the High Court Legal Services Sub-Committee, Nagpur within one month.

The Collector, Bhandara shall cause an enquiry in the matter as to why the matters were unattended on behalf of the petitioner. The enquiry shall be completed within three months and the enquiry report shall be placed on the record of this writ petition.

Copy of this order be sent to the Collector, Bhandara for necessary action.

JUDGE