

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4236 OF 2015

Shri Shivaji Education Society, Amravati, Thr. its Presdident, and anr.

-vs-

Shrikant Prabhakarro Deshmukh

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Abhay Sambre, Advocate for petitioners.
Shri Sagar Katkar, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.
DATE : December 07, 2015

Challenge in present writ petition is to the order passed by the Appellate Authority dated 23/06/2015 by which the application seeking condonation of delay in filing appeal under Section 7(7) of Payment of Gratuity Act, 1972 has been rejected.

It is not in dispute that the appeal came to be filed after 123 days from the order passed by the Controlling Authority. Though Shri A. Sambre, learned counsel for the petitioner sought to contend that delay deserves to be condoned, Shri S. Katkar learned counsel for the respondent submits that said course is not permissible in view of judgment of Division Bench in *J. L. Morrison India Ltd. Mumbai vs. Dy. Commissioner of Labour, Mumbai 2007(6) Mh.L.J. 393*.

In view of aforesaid, it is clear that the Appellate Authority had no jurisdiction to condone delay beyond 120 days. The order impugned therefore cannot be faulted. The petition is therefore dismissed with no order as to costs.

JUDGE