

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

WRIT PETITION NO. 5617/2014

(Ku. Vijaylaxmi D/o Wasudeoshanti Sunkarwar vs. Regional Labour Commissioner, Nagpur and others)

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

Court's or Judge's order

Mr. R.J.Kankale, Advocate for petitioner
Mr. S.C. Mehadia, Advocate for respondents 2 and 3
Mr. K.L.Dharmadhikari, Asst.Govt.Pleader for Respondent No.1.

CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.

DATED : 6th April, 2015.

Heard.

By this petition, the petitioner seeks a direction to the respondent no.1, to immediately decide the proceedings filed by her, under Section 29 of the Industrial Disputes Act.

The father of the petitioner was working with the respondent nos. 2 and 3 and he expired while in service, in the year 1989. The mother of the petitioner sought appointment on compassionate ground, however she too expired. The brother of the petitioner then applied for appointment on compassionate ground and subsequently relinquished his right in favour of his sister, that is, the petitioner herein. According to the petitioner, as per the terms of the settlement between the petitioner and the respondent nos. 2 and 3, the respondent nos. 2 and 3 were required to take a decision on the claim of the petitioner within fifteen days. According to the petitioner, since the terms of the settlement were not complied with, and the case of the petitioner was not considered, the petitioner filed the proceedings under Section 29 of

the Industrial Disputes Act, in the year 2012. The petitioner has sought a direction to the respondent no.1-Regional Labour Commissioner to decide the proceedings, at the earliest.

The learned counsel for the respondent nos.2 and 3 states that the claim of the petitioner was considered by the respondent nos.2 and 3 and the same was rejected in the year 2002. It is stated that the terms of the settlement have been complied with, in view of the decision taken by the respondent nos. 2 and 3 on the claim made by the petitioner.

On hearing the learned counsel for the parties, it appears that the instant petition is liable to be dismissed on the ground of laches. The father of the petitioner had expired in the year 1989 and the settlement was effected in the year 1998. If the respondent nos.2 and 3 had not taken a decision on the claim of the petitioner within a reasonable time, if not within a period of fifteen days, it was necessary for the petitioner to file the proceedings in respect of her claim within a reasonable time i.e. in the year 1999. The proceedings have been initiated by the petitioner in the year 2012 and the present Writ Petition has been filed on 25.9.2014. The object of granting appointment on compassionate ground stands frustrated in the facts of this case as more than 25-years have lapsed from the death of the petitioner's father. Mere making of representations for nearly 25-years, would not stop limitation and cannot constitute "sufficient case".

In the result, the Writ Petition fails and is dismissed, with no order as to costs.

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