

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5412 OF 2016

BAPURAO BALAJI NAIK
VERSUS
THE ZILLA PARISHAD AURANGABAD THROUGH ITS CEO AND OTHERS

...
Advocate for Petitioner : Shri Kanade Angad L.

...
CORAM: RAVINDRA V. GHUGE, J.

DATE :- 25th October, 2016

Per Court:

1 By this petition filed on 08.02.2016 and moved today for the first time, the Petitioner desires to challenge the judgment and order 18.08.2007 delivered by the Industrial Court 09 years ago by which his Complaint (ULP) No.146/2001 has been dismissed on it's merits.

2 The Petitioner has stated in paragraph 8 of the petition that he could not approach this Court because of his ill health and financial constraints. It cannot be ignored that after removal of the Petitioner from service, somebody else has been appointed in 2001 and who must have settled in employment in the last 15 years. The ULP complaint filed by the Petitioner was earlier dismissed in default by the Industrial Court on 24.11.2003. Thereafter, it was restored so as to give the Petitioner an

opportunity of prosecuting his complaint. The said complaint was dismissed by the impugned judgment on 18.08.2007 on its merits which is more than 09 years ago.

3 Considering the above and the fact that the Petitioner now intends to drag the Respondents in litigation after keeping silent for 09 years and during the course of which another employee has settled in employment for more than 15 years, I find that the petition does not deserve to be entertained on delay. This Writ Petition is, therefore, dismissed.

kps

(RAVINDRA V. GHUGE, J.)