

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 490 OF 2016
IN WP/4516/1994

BALAI SHESHRAO PIMPLE
VERSUS
S.P.BHARGODEO AND OTHERS

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Advocate for Petitioner : Shri Jadhav Ganesh M.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 05, 2016
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PER COURT :-

1. By an award dated 7.9.2013, delivered by the Labour Court in Reference (IDA) No.10 of 1989, which was published on 4.11.1993, the petitioner has been granted reinstatement in service with continuity and other benefits.

2. The petitioner had filed Writ Petition No.4516 of 1994 before this Court, since the Labour Court had passed an order dated 10.10.1994 in Misc. Application No.1 of 1994, by which, the ex-parte award dated 7.9.1993 was set aside. By judgment dated 29.10.2015, this Court relied upon a judgment delivered by this Court in the matter of Dnyaneshwar Anantrao Kulkarni Vs. The Superintendent Engineer, PWD and others [2015 III CLR 81] and allowed the petition concluding that the Labour Court has become *functus officio* after 30 days of the publication of the award dated 7.9.1993.

3. Considering that the award dated 7.9.1993, delivered by the Labour Court, Aurangabad has been restored, the petitioner prays for leave to withdraw this petition and resort to a remedy for seeking execution of the award dated 7.9.1993. It is prayed that this petition, therefore, be allowed to be withdrawn with liberty.

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4. As such, this petition is disposed off as withdrawn with liberty to avail of a remedy for seeking execution of the award dated 7.9.1993. The time spent by the petitioner in Writ Petition No.4516 of 1994, before the Labour Court in Misc. Application No. 1 of 1992 and in this petition, shall be a good ground for condonation of delay, if any.

(RAVINDRA V. GHUGE, J.)

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