

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5277 OF 2013

VASANT SUKHDEO KAJALE
VERSUS
THE DEPUTY DIRECTOR, SOCIAL FORESTRY DIVISION

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Advocate for Petitioner : Shri Parag Shahane
h/f Shri P.L.Shahane
Special Advocate / AGP for Respondents:
Shri Umakant Patil a/w Shri P.N.Kutti

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CORAM : RAVINDRA V. GHUGE, J.
Dated: September 22, 2016

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PER COURT:-

1. The petitioner by this petition has challenged the judgment of the Industrial Court dated 5.11.2005, only to the extent of denial of backwages for the period 25.7.1995 till 13.4.2007.
2. This petition has been filed after seven years from the passing of the impugned judgment.
3. Shri Shahane has strenuously assailed the denial of backwages and has placed reliance upon the judgment of the Honourable Supreme Court in the matter of Nicholas Piramal India Ltd. Vs. Harising [2015 II CLR 468], in support of his prayer for backwages.

4. The petitioner has approached this Court after seven years. The only explanation put forth for the delay is that after the judgment was delivered, he was requesting the respondents to implement the judgment. I do not find the said explanation to be worthy of acceptance since the Industrial Court had denied the petitioner of the backwages and he could have approached this Court for challenging such denial. Requesting the respondent to implement the judgment and not challenging the denial of backwages for seven years would also indicate that the petitioner had no grievance about the said denial.

5. Even otherwise, the complaint filed by the petitioner before the Industrial Court was for seeking a direction that work be allotted to him as he was disengaged. The Industrial Court has concluded that whenever work was available, it was allotted to the petitioner.

6. In the peculiar facts of the case and considering that the petitioner had not worked with the respondent / department, which used to offer work to him, whenever it was available, I do not find that this petition deserves to be entertained. Same is therefore, dismissed.

(RAVINDRA V. GHUGE, J.)

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