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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******LETTERS PATENT APPEAL No. 338 OF 2008******IN******WRIT PETITION No. 4733 OF 2004******The Conservator of Forests and Anr.******....Appellants******Vs.******Smt. Shalan Dattu Wagh******....Respondent***

None for the Appellants

None for the Respondents

CORAM : V. M. KANADE &***SMT. SWAPNA S. JOSHI, JJ******DATE : AUGUST 30, 2016******P.C. :***

1. None appears on behalf of the Appellants and the Respondents.

2. We have noticed that the advocates and the party in person do not appear before us when the final hearing matter is called out. In the last two weeks, we have either dismissed the LPAs for want or prosecution or have granted adjournment. However, we find that this has become a regular phenomena when the matter is called out. We, therefore, propose to go through the papers and decide the LPA on merits.

3. The Appellants -Original Petitioners have filed the writ petition under Article 226 of the Constitution of India, seeking the following reliefs:

“(a) this Hon'ble Court may, by way of appropriate writ, order or direction, quash and set aside the Judgment and the Award Judgment and the Award dated 24th November, 1999 passed by the Member, Industrial Court, Pune in Complaint (ULP) No. 102 of 1997

(b) during the pendency and til the hearing and disposal of this Writ Petition, the Judgment and the Award dated 24th November, 1999 passed by the member, Industrial Court, Pune in Complaint (ULP) No. 102 of 1997 may be stayed.”

4. The Learned Single Judge came to the conclusion that there was no infirmity in the order passed by the Industrial Court. The Industrial Court has observed that no documents were produced by the Petitioners to show that the workman has not completed 240 days in service. The Learned Single Judge has confirmed the finding recorded by the Industrial Court. We, therefore, do not propose to interfere with

the observation made by the Learned Single Judge while exercising our jurisdiction under the Letters Patent and to interfere with the concurrent finding recorded by the Industrial Court and confirmed by the Learned Single Judge of this Court. Hence, LPA is dismissed.

SMT. SWAPNA S. JOSHI, J.

V.M. KANADE, J.