

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10814 OF 2016

M/s. Radium Creation Ltd. and others

..Petitioners

Versus

Engineering Workers Association

..Respondent

**Shri. S. K. Talsania, Senior Advocate i/by Shri. Pramod Anaokar a/w
Shri. Rahul D. Oak for the Petitioners.**

Ms. Nayana Buch i/by Shri. Shailesh K. More for the Respondent.

CORAM : R. M. SAVANT, J.

DATE : 25th OCTOBER, 2016

PC.

1 The order dated 07.04.2016 passed by the Learned Member of the Industrial Court, Thane dismissing the Revision filed by the Petitioners being Revision Application (ULP) No.50 of 2015 and thereby confirming the order dated 27.05.2015 passed in Misc. Application (ULP) No.3 of 2012 condoning the delay of about three months in filing the Complaint is taken exception to by way of the above Petition.

2 The reasons why the delay was occasioned in filing the Complaint were inter-alia mentioned in the said Misc. Application (ULP) No.3 of 2012 amongst which was the reason that the parties were negotiating. The said reasons have commended acceptance to the Learned Judge of the 3rd Labour Court, Thane, who by the said order

dated 27.05.2015 has deemed it appropriate to exercise discretion in favour of the Respondent Union and allowed the said application. The said order dated 27.05.2015 was taken exception to by the Petitioners by filing Revision Application No.50 of 2015.

3 The Learned Member of the Industrial Court has referred to the various judgments which were cited on behalf of the Respondent in the Revision Application governing exercise of discretion in matters of condonation of delay and having regard to the order passed by the Learned Judge of the Labour Court and also having regard to the settled position as enunciated by the said judgments did not deem it appropriate to interfere with the discretion exercised by the Labour Court. In view of the concurrent orders passed by the Courts below, no case for interdiction in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]