

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

WRIT PETITION NO.5891 OF 2012

Smt. Shakuntala Babu Bhosale : Petitioner.
versus
Pune Municipal Corporation and ors. : Respondents.

Mrs. Anjali S Ranade for the Petitioner.

CORAM : R. M. SAVANT, J.
DATE : 03rd October 2016

P.C.

1 The writ jurisdiction of this Court is invoked against the order dated 05/09/2011 passed by the learned Presiding Officer, IInd Labour Court, Pune by which order Misc. (IDA) No.31 of 2009 filed by the Petitioner for restoration of the Reference proceedings came to be rejected.

2 The termination of services of the Petitioner was the subject matter of the Reference IDA No.732 of 2006. The said Reference came to be dismissed for non-prosecution on account of the non-appearance of the Petitioner in the said Reference proceedings. The said Reference came to be dismissed on 06/09/2008. The Award was thereafter published on 23/10/2009. The Petitioner applied for restoration of the Reference by filing Misc. (IDA) No.31 of 2009. The Petitioner led evidence in support of the said application. The Petitioner in her evidence has admitted the fact that she received the copy of the Award passed in the said Reference within one month of the decision of the

Labour Court. In terms of Rule 26(2) of the Industrial Disputes (Bombay) Rules Act 1957 an application for restoration has to be filed within one month of the receipt of the copy thereof. The learned Presiding Officer of the Labour Court having regard to the said statutory mandate and having regard to the evidence of the Petitioner held that since it is admitted by the Petitioner that she had received the copy within one month but had filed the application long thereafter in the year 2009, the application was not maintainable and accordingly dismissed the same.

3 The learned counsel for the Petitioner sought to contend that the Petitioner had filed the application within one month of the Award being published. It is not possible to accept the said contention in view of the fact that Rule 26(2) postulates filing of the application within one month of the receipt of the copy of the Award and not its publication. It is also required to be noted that the Petitioner has shown no cause for the delay.

4 In the absence of any cause shown for the said delay, the learned Presiding Officer of the Labour Court was right in rejecting the Misc. Application filed for restoration of the Reference. Hence no case for interference in the writ jurisdiction of this Court is made out. The above Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]