

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

WRIT PETITION NO. 860 OF 2016

Hutatma Sahakari Duh Utpadak Sangh Ltd. ... Petitioner

v/s

Shri Maruti Jagannath Yewale ... Respondent

Mr.Neel G. Helekar for the petitioner.

CORAM: N.M. JAMDAR, J.

DATED : 22 FEBRUARY 2016

P.C.:

By this petition, the Petitioner challenges the order passed by the Labour Court, Sangli, dated 20 August 2015 directing deposit of Rs.1,50,000/-, while setting aside the ex-parte order passed on 18 March 2014.

2 The Respondent filed an application (IDA) No.1 of 2011 under Section 33-C(2) of the Industrial Disputes Act, which was allowed by the Labour Court. Subsequently an application was filed by the Petitioner for recall of the order on the ground that there was a strike of advocates' for demand of High Court Bench at Kolhapur in August 2013 and the advocate suffered an heart-attack in October 2013. The Labour Court, by the impugned order,

recalled the ex-parte order, however, directed deposit of Rs.1,50,000/-, as a condition precedent.

3 The order was passed initially by the Labour Court in March 2014. The reason given that, in October 2013 the advocate was unwell. Before that, the reason given is advocates' strike. The reason regarding advocates' strike is not a reason at all, however, since the Labour Court has taken that into account, I do not wish to comment on the same. Even assuming the advocate was unwell, it cannot necessarily lead to an automatic recall of the order. The Labour Court, in the interest of justice, has passed a discretionary order directing deposit of the amount as a condition precedent. The Petitioner has accepted one part of the order i.e. restoration and cannot now complain of the deposit, which order is also cannot be stated as perverse.

4 There is no merit in this petition. The writ petition is accordingly rejected.

5 The period of six weeks has long since expired, is extended by a period of three weeks from today.

(*N. M. JAMDAR, J.*)