

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

WRIT PETITION NO. 546 OF 2013

Shri. Lahanu Gangadhar Wagh

... Petitioner

vs.

The Liquidator,
Karmaveer Kakasaheb Wagh Sahakari
Sakhar Karkhana Ltd. and ors.

... Respondents

Mr. R. N. Gite, Advocate for the petitioner.

Mr. Ashish S. Gaikwad a/w Ms. Bhavana Khichi i/by Ashish S. Gaikwad, Advocate for respondent no.1.

Mrs. Vaishali Nimbalkar, Additional Government Pleader for respondents no.3 and 4.

Coram : Smt. R. P. SondurBaldota, J.

Date : 28th July, 2016

P.C. :

1. The petitioner challenges the order dated 5th July, 2012 passed by the Regional Director for Sugar, Ahmednagar rejecting his application filed under section 107 of Maharashtra Co-operative Societies Act, 1960 ('the Societies Act', for short). The application was filed on 17th December, 2011.

2. The brief statement of facts leading to the petition is as under.

The petitioner had joined services in the year 1978 as a clerk with Karmaveer Kakasaheb Wagh Sahkari Sakhar Karkhana Ltd. ('Sugar Factory', for short). He was eventually promoted as an Accountant and the Office Superintendent. His services came to be terminated on 1st February, 1993. Initially

he had challenged his termination by raising dispute in the Co-operative Court. His dispute was dismissed and the challenge to the order of dismissal has failed right up to the Apex Court. Thereafter, he has filed compliant ULP No. 86 of 2008 in the Labour Court at Nashik alleging unfair labour practices under Section 28 (2) r/w Item 1 (a) (b) (d) (f) and (g) of Schedule IV Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ('the MRTU & PULP Act', for short). In the meantime, Liquidator came to be appointed of Sugar Factory by Director of Sugar, State of Maharashtra and respondent no.2 has been running sugar factory on the Leave and Licence basis. Therefore, the petitioner filed the application dated 17th December, 2011 seeking permission to continue the complaint filed by him in the Labour Court, Nashik.

3. The Regional Director of Sugar dismissed the application on the ground that there was unexplained delay of more than four and half years in filing the application seeking leave to continue with the proceedings. It is also noted in the impugned order that the petitioner neither acknowledges in his application the delay nor states any justification for it. Copy of the application is annexed at Ex.13 to the petition. Perusal of the application confirms the observation of the Joint Director. It has also been observed by the Joint Director that considering the position claimed to have been held by the petitioner with the Sugar Factory, he must have been aware of the provision of Section 107 of the Societies Act and the requirement of obtaining leave thereunder. He has next noted that the claim of the petitioner for reinstatement has already been considered and rejected by the Co-operative Court.

4. Considering the above facts and circumstances, I find no merit whatsoever in the challenge to the impugned order. The inordinate delay in seeking leave is not even acknowledged. Hence, the petition is therefore dismissed.

[Smt. R. P. SondurBaldota, J.]