

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CAO NO. 912 OF 2013 IN MCA ST. NO. 2639 2013
IN WRIT PETITION NO. 3794 OF 2005

(Sadashiv s/o Gondalsao Uchibagale vs. The Regional Labour Commissioner (Central) & Authority
under the Minimum Wages Act, 1948 & Anr.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
JANUARY 08, 2016.

Heard Shri V.P. Marpakwar, learned counsel
for the applicant – petitioner.

The prayer is to condone delay of 6 years
and 11 days in filing MCA St. No. 2639 of 2013. In that
MCA, review of order dated 18.01.2007 passed in Writ
Petition No. 3794 of 2005 has been sought.

Shri Marpakwar, learned counsel states that
on 18.01.2007, Writ Petition No. 3794 of 2005 was
disposed of because of unwillingness or inability of the
review applicant to deposit the amount ordered to be
recovered as arrears of minimum wages.

Thereafter in July 2012, he received a notice
of RRC for recovering those dues and that notice was
questioned in Writ Petition No. 6016 of 2012. That
writ petition was withdrawn on 11.01.2013 and liberty
was sought to file review petition.

After withdrawal of writ petition, present
proceedings have been filed on 06.02.2013 and hence
there is delay. He further adds that the applicant/
petitioner is now in a position to deposit the said
amount to show his bonafides.

The readiness or willingness to deposit the amount or non consideration of case on merits (as alleged) could have been good ground to assail the order dated 18.01.2007 before appropriate forum. However, that order was not questioned and for a period of five years, no steps were taken. When consequential action was taken, the petitioner woke up and approached the learned Single Judge against the demand notice and recovery action. That writ petition was withdrawn and then review has been sought.

It is apparent that this conduct itself disentitles the applicant/ petitioner to grant of any relief in equity. No just and sufficient grounds are made out for condonation of delay. Application is rejected. No costs.

JUDGE

*GS.