

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 6510/2015

(SADANAND BALIRAM RATHOD **VERSUS** DEPUTY DIRECTOR OF HEALTH SERVICES, AKOLA)
 WITH

WRIT PETITION NO. 6512/2015

(ARUN SHANKARRAO JADHAV **VERSUS** DEPUTY DIRECTOR OF HEALTH SERVICES, AKOLA)

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

Court's or Judge's orders

Shri S.D. Zoting, counsel for the petitioners.
 Shri N.R. Patil, A.G.P. for the respondent in WP No.6510/2015.
 Shri A.K. Bangadkar, A.G.P. for the respondent in WP No.6512/2015.

CORAM : SMT.VASANTI A. NAIK, J.

DATE : APRIL 2, 2016.

Since the issue involved in these writ petitions is identical and similar orders passed by the Labour Court, Akola are challenged therein, they are heard together and are decided by this common order.

By these petitions, the petitioners challenge the orders of the Labour Court, Akola dismissing the applications filed by the petitioners for condonation of delay in filing the applications for restoration of the original complaint.

The services of the petitioners were terminated by the respondent-Deputy Director of Health Services, Akola and the said orders were challenged by the petitioners in separate complaints before the Labour Court, Akola. Since the petitioners were not diligent in prosecuting the matter and since none appeared for the petitioners on 12.07.2010, the complaints filed by the petitioners were dismissed in default. The petitioners filed the applications for restoration of the complaint. In the applications for restoration of the complaints, the petitioners had pointed out the cause for belatedly filing the applications for restoration. The prayers made by the petitioners for condonation of delay in filing the restoration

applications were rejected and the Labour Court refused to condone the delay by the impugned orders.

On hearing the learned counsel for the parties and on a perusal of the impugned orders as also the applications for restoration of complaints in which some reasons are recorded for seeking the condonation of delay, it appears that the Labour Court was justified in rejecting the applications filed by the petitioners for filing the restoration applications. It was merely stated in the applications for restoration that the petitioners were shocked by their termination and the police complaints filed against them and their mental condition was not proper. It is stated that in view of the mental shock that was suffered by the petitioners, they had not contacted their counsel for nearly four years. It is lastly stated in the applications that on 10.06.2014, when some of the fellow employees met the petitioners and enquired about the complaints filed by them, it was made known to the petitioners that their complaints were dismissed for want of prosecution on 12.07.2010. No other cause, much less any sufficient cause is stated in the applications for seeking the condonation of delay. The applications made by both the petitioners seeking restoration record identical reasons for seeking the condonation of delay. The reasons stated in the applications are as vague as they could be. It is not stated in the applications as to why the petitioners did not enquire about the status of the complaints from their counsel for a period of almost four years. The statement made in the applications that the petitioners were not able to contact their counsel as they were frustrated by the orders of termination cannot be accepted as a just and proper reason for belatedly filing the restoration applications. It appears that there was total lethargy on the part of the petitioners and the approach of the petitioners was extremely casual. Neither were the complaints prosecuted diligently nor were any efforts made by the petitioners to get the order of dismissal in default set aside by filing proper applications within a reasonable

time. The delay is inordinate. Mental shock and frustration due to the order of dismissal cannot be the ground for not contacting the counsel for nearly four years after filing the complaints. The Labour Court was justified in rejecting the applications for condonation of delay.

For the reasons aforesaid, the writ petitions are dismissed with no order as to costs.

JUDGE

APTE