

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2578 OF 2017
(Govind Dattatray More Vs.The Chief Engineer and another)

Mr.S.S.Patil, Advocate for the petitioner.
Mr.A.S.Bajaj, Advocate for the respondents.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 01/03/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 03/01/2017 passed by the Industrial Court, Dhule by which the Misc.Appl.No. 12/2016, seeking condonation of delay of 2 years and 10 months, is rejected.

2. I have heard Mr.Patil, learned Advocate for the petitioner and Mr.Bajaj, learned Advocate for the respondents for quite some time. I have considered the strenuous submissions of Mr.Patil and have gone through the petition paper book.

3. There is no dispute that the Industrial Court Regulations, 1975 provide for a limitation period of 90 days for filing a complaint of unfair labour practices u/s 28(1) of the M.R.T.U and P.U.L.P. Act, 1971. In the event of delay, a separate application supported with an

affidavit has to be filed and if the reasons cited are just and acceptable, the Court may entertain the complaint beyond limitation.

4. The petitioner filed the (ULP) complaint on 25/10/2016 alongwith an application for condonation of delay. The reasons for seeking condonation of delay of 2 years, 10 months and 11 days were that the principles of natural justice require condonation of delay and as the petitioner was confused and disturbed by the punishment of imposition of fine of Rs.25,000/-, the delay was caused. The Industrial Court, while passing the impugned order, has rightly concluded that the reasons cited are neither just nor proper. In my view, considering the law laid down in the matter of Esha Bhattacharjee Vs. Managing committee of Raghunathpur Nafar Academy and others [(2013) 12 SCC 649], the Industrial Court has properly considered the application and has rightly rejected the same.

5. The issue while entertaining an application for condonation of delay is as to whether the applicant would be rendered remediless by refusing to condone the delay. Since the petitioner was an employee of the respondents and is now superannuated from service, he can raise an industrial dispute u/s 2(k) of the I.D.Act for seeking

redressal of his grievance. No limitation is prescribed under the I.D.Act. As such, the petitioner is not rendered remediless.

6. In the light of the above, this petition is dismissed. However, the dismissal of this petition and the rejection of his application by the impugned order, would not be an impediment for the petitioner to raise an industrial dispute u/s 2(k) of the Industrial Disputes Act, 1947. If such a dispute is raised, it is expected that the Conciliation Officer would consider the same on its own merits and expeditiously.

(RAVINDRA V. GHUGE, J.)