

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 2117 OF 2016

YUVRAJ NAMDEO PAWAR  
VERSUS  
THE MSRTC DHUE

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Advocate for Petitioner : Shri S.S.Suvarna  
h/f Shri N.L.Choudhari  
Advocate for Respondent : Shri R.N.Jain  
h/f Shri D.S.Bagul

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CORAM : RAVINDRA V. GHUGE, J.  
Dated: February 22, 2017

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PER COURT :-

1. The petitioner is aggrieved by the order of the Industrial Court dated 29.4.2015, by which, Misc. Application (ULP) No.24 of 2014 has been rejected and the Industrial Court has declined to condone the delay of 2 years and 10 months.
2. I have heard the learned Advocates for the respective sides.
3. The petitioner was awarded the punishment of stoppage of one increment on 17.11.2011. The limitation prescribed for filing a ULP complaint is 90 days. The petitioner approached the first department appellate authority, which rejected his First Appeal on 10.1.2013.

4. The petitioner waited for a decision in his Criminal Case No.748 of 2011, in which, he was acquitted on 24.9.2014. He approached the Industrial Court on 29.4.2015, which is after about 2 years and 10 months from the date of the impugned order. It is trite law that acquittal in criminal trial would not ipso facto lead to the exoneration of the employee in departmental proceedings.

5. Considering that the delay cannot be said to be of a minor nature, the Industrial Court by the impugned order rejected the application.

6. It is trite law that the delay has to be liberally construed. However, since the challenge to the order of punishment is posed after 2 years and 10 months and keeping in view that the petitioner is not remediless in raising an industrial dispute, so as to have the punishment referred to the tribunal, I do not think that the Industrial Court has passed a perverse order.

7. This petition, being devoid of merits, is dismissed. However, the petitioner would be at liberty to raise an industrial dispute under Section 2(k) of the Industrial Disputes Act, 1947 and seek a reference of the dispute to the Tribunal for adjudication. As no

limitation is prescribed for raising an industrial dispute, the pendency of this petition as well as the application for condonation of delay before the Industrial Court, would not come in way of the petitioner in raising an industrial dispute.

( RAVINDRA V. GHUGE, J. )

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