

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.622 OF 2017
(Rajendra Narayan Pawar Vs. MSRTC and another)

Mr.Shaikh Samir Ahmad Saifuddin, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/01/2017

PER COURT :

1. The petitioner is aggrieved by the order of the Labour Court dated 06/08/2013 by which the delay of 2555 days (about 7 years) has not been condoned on account of paucity of reasons.

2. The petitioner is also aggrieved by the judgment of the Industrial Court dated 29/04/2015 by which Revision (ULP) No.73/2013 has been dismissed for the same reasons.

3. I have heard the strenuous submissions of Mr.Shaikh, learned Advocate for the petitioner. Despite his pursuation, I am not convinced that the impugned orders could be termed as being perverse or erroneous in the light of the principles culled out in the matter of Isha Bhattacharjee Vs. Managing committee of Raghunathpur Nafar Academy and others [(2013) 12 SCC 649].

4. Notwithstanding the above, the petitioner is not remediless since his grievance against his dismissal dated 18/11/2003 pursuant to the disciplinary proceedings could be voiced by raising an industrial dispute u/s 2(A) of the I.D.Act, 1947.

5. Considering the above, this petition is dismissed. In the event, the petitioner raises an industrial dispute u/s 2(A) of the I.D.Act within a period of 6 (six) weeks from today, the time spent by the petitioner before the Labour Court, the Industrial Court and before this Court would be a ground for entertaining the said grievance.

(RAVINDRA V. GHUGE, J.)