

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 944 OF 2016

THE MARMAGOA WATERFRONT WORKER'S
UNION, THR. ITS GEN. SECRETARY
SHRI. FRANCISCO X. RODRIGUES.,

... Petitioner

Versus

MORMUGAO PORT TRUST, THR. ITS
CHAIRMAN, SHRI. P. MARA PANDYAN
AND 2 ORS.,

... Respondents

Mr. G. K. Sardesai, and Mr. A. Carvalho, Advocates for the
petitioner.

Coram:- CHIEF JUSTICE &
F. M. REIS, JJ.

Date:- 27th January, 2017

P.C.:

Heard Mr. Girish Sardesai, Counsel for the petitioner.

2. The petitioner is before us, asking the following reliefs :

"(i) That this Hon'ble Court be pleased to issue a
writ of mandamus to quash the orders of the
Respondent No.2 Asst. Labour Commissioner
(Central) dated 25.07.2016 and 23.08.2016
rejecting the demand of the petitioner to
admit the subject matter in conciliation.

(ii) That this Hon'ble Court further direct the

Respondent No.2 Asst. Labour Commissioner (Central) to admit the matter in conciliation and further direct the Respondent No.3 to refer the matter to Industrial Tribunal for adjudication.

(iii) To grant ad-interim, interim relief in terms of prayers (i), (ii) and (iii) hereinabove.

(iv) To grant costs of this petition; and

(v) To grant such further and other reliefs as the nature and circumstances of the case may require.

Apparently, the petitioner was appointed as an Attendant Gr.I (E) way back in the year 1982. It is not disputed that he retired on 30 November 2014 and at that time, he was working as a Technician Grade I. According to him, one Shirodkar was promoted totally ignoring his case. He also contends that he made representations to the respondent Chairman while he was in service and also after he retired, but of no avail. Therefore, he approached the Assistant Labour Commissioner (Central) to admit the matter in conciliation and to call the parties for an amicable settlement between the parties, which came to be rejected.

3. On perusal of the averments, what we notice is that way back in the year 1997, according to the petitioner, he was entitled for a promotion and by overlooking seniority someone else was promoted. We fail to understand why he did not think it wise to approach proper forum for redressal of his grievance if he was entitled for a promotion in 1997 itself, especially when his junior was promoted in the year 1997. For a long period, he slept over his right and this would indicate abandonment of his right even if he was to have his right way back in the year 1997 and subsequently till he retired he never raised his little finger before proper forum. Mere representations to the Authorities will not keep the list alive. Not only the delay and laches go against the petitioner, but we are of the opinion that once he has retired from service in the year 2014, how the Asst. Labour Commissioner can bring an amicable solution.

4. So far as the grievance of the petitioner two years after his retirement is concerned, the petitioner has not made out any ground warranting this Court to interfere at this stage. Accordingly, the petition is dismissed.

F. M. REIS, J.

CHIEF JUSTICE, J.

ssm.