

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2035 of 2017

Vishwaranjan Deolal Bhagat

.... Petitioner.

Vs.

The Ministry of Labour & Employment
& 2 ors

.... Respondents.

Mr. Devang Sharma a/with Mr. Behzad Irani for the Petitioner.
None for the Respondent.

CORAM : S.C. DHARMADHIKARI &
SMT.BHARATI H. DANGRE, JJ.
DATE : 9th OCTOBER, 2017.

P.C. :

1 The petitioner has approached this Court after more than eight years of the rejection of his request to refer a dispute styled as Industrial Dispute to the Competent Industrial Tribunal.

2 The communication at page 50 of the paper book from the appropriate Government of India, Ministry of Labour, Mantralaya, New Delhi dated 20th October, 2008 is now challenged and the only argument is that because the petitioner is Class IV employee, he could not avail of legal assistance. Once he availed of that legal assistance but was erroneously advised. Now that he has filed this writ petition, it should be entertained.

3 Upon perusal of the petition, we are unable to agree. The claim of the said Class IV employee for arrears of wages is for the years 1995-98. That claim itself was raised by filing an application before the appropriate Government and seeking its intervention to refer the dispute for adjudication to the competent Industrial Tribunal. That request itself was rejected on 20th October, 2008 by holding that there is inordinate delay and more than eight years have lapsed and no purpose would be served by entertaining a stale claim for adjudication. Now the claim is further stale. Further, we do not think that after more than eight years, we can in writ jurisdiction grant any fruitful relief. We also cannot assist the petitioner by the remand of this application to the appropriate Government for reconsideration. It would be a futile writ once we are in agreement that such claim as are raised by the Class IV employee now cannot be referred for adjudication.

4 The petition is therefore rejected on the ground that the petitioner has approached this Court after inordinate and unexplained delay of more than eight years.

[SMT.BHARATI H. DANGRE, J.]

[S.C. DHARMADHIKARI, J.]