

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL NO. 8 OF 2018

The Divisional Controller
Maharashtra State Road
Transport Corporation,
Latur

Petitioner

Versus

Suryakant s/o Nagnath Halkonche

Respondent

Mrs. R.R. Reddy, advocate for petitioner.
Mr. M.D. Gitte, advocate for respondent.

**CORAM : R.M.BORDE &
A.M. DHAVAL, JJ.**

DATE : 7th JUNE, 2018

PER COURT:

1. Complaint ULP No. 3/1988 presented by respondent-employee challenging termination of his services has been allowed and the Member, Labour Court, Latur has directed re-instatement of the complainant with continuity in service. Complainant - employee is also held entitled to receive 60% of the backwages. Revision tendered against the aforesaid decision of the Labour Court bearing Revision ULP No. 104/91 has not been entertained and the application seeking condonation of delay of more than six years for restoration of Revision ULP No. 104/91 which came to be dismissed for non-prosecution on 01.10.1997 has been rejected by the Member, Industrial Court, Latur on 27.08.2004. Writ petition challenging aforesaid order has also been dismissed by the learned Single Judge of this Court on 07.12.2004. Instant Letters Patent Appeal is presented challenging the decision of the learned Single

Judge.

2. On perusal of the judgment delivered by the Labour Court and reasons recorded by the Industrial Court while rejecting application below Exh. C-1 and C-3, we do not find any reason to cause interference in the instant Letters Patent Appeal. Apart from this, another aspect needs to be considered is that though the Letters Patent Appeal was presented in the year 2005, the same was not registered on account of failure of the appellant to remove office objections. The Letters Patent Appeal came to be restored only in the year 2018 and the same has been registered thereafter. In the meanwhile, by virtue of Abolition of Letters Patent Appeal Act, 1986, the remedy of presenting Letters Patent Appeal has been taken away and as such, the Letters Patent Appeal cannot be said to be entertainable. Letters Patent Appeal shall be deemed to have been presented in the year 2018 when the same was registered. Even considering the merits, no interference is called for. Letters Patent Appeal is thus dismissed.

3. Pending civil application, if any, does not survive and stands rejected.

A. M. DHAVALÉ
JUDGE

R.M.BORDE
JUDGE