

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 140 OF 2018

BHATU BHIMRAO MALI
VERSUS
DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION, DHULE.

...
Advocate for the Petitioner : Shri M.B.Karande h/f Shri Patil Sandesh R..
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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 05th February, 2018

Per Court:

1 The Petitioner is aggrieved by the order dated 26.09.2016 by which, the Industrial Court, Dhule has rejected Miscellaneous Application (ULP) No.10/2016 by which, the Petitioner had sought condonation of delay in filing the ULP Complaint for challenging the order of punishment dated 24.12.1999. The said application was filed on 08.07.2016.

2 The learned Advocate for the Petitioner has strenuously tried to canvass that the impugned order passed by the Industrial Court is perverse, erroneous, unjust and deserves to be set aside. With his assistance, I have gone through the petition paper book.

3 There is no dispute that the order of punishment is dated 24.11.1999. The Petitioner filed an application to the Divisional Controller

on 23.01.2000 praying that the order of punishment be set aside. The reminders were submitted on 29.03.2000, 27.05.2000, 16.09.2000 and 09.10.2011. Thereafter, one representation was filed on 23.05.2012, which is after 13 years of the order of punishment and after having suffered the punishment. Based on the same, the Union sought to intervene and the meeting took place between the Management, the Union and the Petitioner on 13.04.2016 wherein, the Management took a stand that 17 years have lapsed after the order of punishment was issued and no further grievance can be entertained.

4 I find that the discussion that took place between the Union and the Management on 13.04.2016 cannot be said to be the beginning of the cause of action. The Petitioner has slept over the punishment after the year 2000 and has woken up in 2016 seeking intervention by the Union. This, therefore, cannot be said to be the beginning of the limitation period.

5 In the light of the above and considering the provisions of the Industrial Court Regulations, 1975, the impugned order passed by the Industrial Court can neither be termed as being perverse nor erroneous. This Writ Petition being devoid of merit is, therefore, dismissed.