

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2028 OF 2017

Pralhad Yadav Patil

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Bharat S. Deokar, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent No. 1.

Shri Anil S. Bajaj, Advocate for Respondent Nos. 2 and 3.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **8th February, 2018**

PER COURT :

1. The petitioner is challenging the order datd 29.5.2013, passed by respondent No. 3, thereby treating the period of suspension as punishment.

2. Learned counsel submits that the petitioner has challenged the said order by filing Complaint (ULP) No. 13 of 2014. The complaint was dismissed on the ground that the petitioner is not a workman, as such, Industrial Court does not have jurisdiction. The petitioner assails the said order by filing Writ Petition No. 7257 of 2016. The said writ petition is also dismissed on 27th July, 2016, holding that the petitioner is not a workman, and as

such, Industrial Court had not committed any error in passing the order.

3. Mr. Bajaj, learned counsel submits that the suspension period is treated as punishment. Against the order of punishment the petitioner has a remedy of appeal. The period of suspension has been rightly treated as punishment.

4. We have considered the submissions.

5. It appears that the petitioner was prosecuting before the wrong forum. The benefit of Section 14 of the Limitation Act can be given to the petitioner.

6. If the petitioner files an appeal before the competent authority as laid down under the M.S.E.D.C.L. Employee's Service Regulations, within a period of two weeks from today, then the authority shall consider the appeal filed by the petitioner on its own merits and shall not reject it on the ground of limitation.

7. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]