

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

995 WRIT PETITION NO.5571 OF 2018

VIJAYA NARENDRA MAHORE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER..RESPONDENTS

...

Mr. Madhav M. Bhokarikar, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. Atul B. Gatne, Advocate for Respondent No.2.

...

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATED : 13th JUNE, 2019.

PER COURT:-

1. The petitioner contends that he has filed an Appeal before the Labour Ministry. The same is not being decided.

2. Mr. Gatne, learned counsel for respondents submits that the appellate jurisdiction does not vest with the Labour Ministry. However, against the penalty imposed upon the employee, the appeal lies to the Board under Rule 62 of the Bombay Labor Welfare Fund Act, 1953.

3. As the Appeal filed by the petitioner is before the incompetent authority, certainly directions cannot be given to decide the appeal expeditiously.

4. Rule 66 of the Bombay Labor Welfare Fund Act, 1953 provides for condonation of delay on reasonable cause being shown. It is for the Board to consider the said aspect.

5. In case, the petitioner files Appeal before the Board, it is for the Board to consider about the delay and reasonable cause being shown or not.

6. With these observations, writ petition is disposed of. No costs.

7. All contentions of respective parties are kept open.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE