

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9025 OF 2019

M/S SHREE SAI SAMARTH NAGARI SAHAKARI PATSANSTHA LTD
THROUGH MANAGER
VERSUS
THE UNION OF INDIA AND OTHERS

Mr.V.N.Upadhye, Advocate for the petitioner.
Mr.A.B.Dhongade, Standing Counsel for respondent No.1.
Mr.N.K.Choudhari, Advocate for respondent Nos. 2 and 3.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 31/07/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 14/03/2019 passed by the Central Government Industrial Tribunal, Mumbai, by which the application filed by the petitioner seeking condonation of 21 days delay, has been rejected.

2. The learned Advocate appearing on behalf of respondent Nos. 2 and 3 / PF Organization, has strenuously opposed the petition. He submits that the learned Presiding Officer of the CGIT has rightly recorded that the words “unavoidable circumstances” are not enough to condone the delay. The Tribunal has the power to condone delay

upto 60 days and if the further delay of 21 days is to be condoned, strong reasons have to be assigned.

3. The learned Advocate for the petitioner submits that the delay of 21 days is within the condonable limit and the CGIT could have exercised its discretion upto a total of 120 days.

4. The learned Advocate appearing on behalf of the Union of India submits that respondent No.1 is a formal party. Nevertheless, he supports the reasons assigned by the CGIT.

5. The Law on amendment, in my view, has been well settled by the Hon'ble Apex Court in the matters of Collector, Land Acquisition Anantnag and another Vs. Mst. Katiji and others [(1987) 2 SCC 107], and Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others [(2013) 12 SCC 649].

6. A pragmatic view has to be taken and the Court is expected to avoid a pedantic approach. The petitioner has resorted to a statutory remedy of preferring an appeal before the Appellate Forum. If the delay is not condoned, the doors of litigation would be closed on the petitioner. The delay that has occurred, cannot be termed as being

deliberate or inordinate. Laches or oblique motives are not attributed to the conduct of the petitioner.

7. In view of the above, this petition is allowed. The impugned order dated 14/03/2019 is quashed and set aside. The proceeding No.CGIT-1/EPFA/MI.SC/Q5 OF 2019 is restored to the Office of the CGIT No.1 at Mumbai.

8. The learned Advocate for the petitioner informs that the learned Presiding Officer of the CGIT No.1, Mumbai holds camp hearing at Mumbai and the notice would be issued in any of such camps so as to enable the parties to appear in the proceedings. As such, the CGIT shall issue notices to the concerned parties in the said proceedings.

(Ravindra V.Ghuge, J.)