

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

WRIT PETITION NO. 7440 OF 2019

**GULAB DATTU @ DATTATRAYA GHUNKE
VERSUS
ZILLA PARISHAD, AHMEDNAGAR THROUGH ITS C.E.O.**

....
Advocate for the petitioner : Shri U. U. Wagh

...

CORAM : RAVINDRA V. GHUGE, J.

DATED : 19th JUNE, 2019.

...

PER COURT :

1. The petitioner is aggrieved by the order of the Industrial Court dated 04/04/2019, by which, the application for condonation of delay of 11 years in Misc. Delay Application No. 2/2017, has been rejected.

2. The petitioner was working as an Agricultural Officer, purportedly in Class III Category. He had joined service as an Agriculture Extension Officer, Class III on 03/12/1974. An additional charge was granted to him between 1995 to 2000. He was charge sheeted on the ground of misappropriation, on 27/09/2001. He was placed under suspension from 31/03/2001 to 31/05/2006.

3. He submits that though he was acquitted by the Court of criminal jurisdiction vide judgment dated 12/03/2014, he was awarded the punishment of reversion on 31/05/2006 and he retired after working hours on 31/05/2006. This order is challenged in the Industrial Court on 08/11/2017 which is after more than 11 years.

4. It is submitted that the Advocate of the petitioner gave him wrong advises at various stages. On his advise, the petitioner did not challenge his reversion. On his advise, the petitioner approached this Court in Writ Petition Nos. 1274/2016 and 7969/2016, which were disposed off.

5. The Industrial Court Regulations 1975 provide for 90 days limitation period and if the delay has been caused, an application for condonation of delay alongwith an affidavit can be filed and the Industrial Court can consider such a case if reasonable and just reasons are assigned.

6. In the instant case, I do not find that the petitioner has set out a convincing explanation so as to condone the delay of

about 11 years. The Industrial Court has, therefore, not committed any error in passing the impugned order dated 04/04/2019. This petition, being devoid of merit, cannot be entertained and stands disposed off.

7. In view of the above, I am granting liberty to the petitioner to raise an industrial dispute under the Industrial Disputes Act, 1947 before the Conciliation Officer. The issue of whether the petitioner is a workman, is kept open. The Conciliation Officer would deal with such a dispute as is permissible under the Industrial Disputes Act and preferably within a period of six months from the date of the raising of the industrial dispute.

(RAVINDRA V. GHUGE, J.)

shp/-