

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11032 OF 2015

M/s. John Deere India Pvt. Ltd.	..Petitioner.
V/s.	
Pravin Dattatraya Patil	..Respondent.

WRIT PETITION NO.11030 OF 2015

M/s. John Deere India Pvt. Ltd.	..Petitioner.
V/s.	
Vinayak Vasant Raktade	..Respondent.

WRIT PETITION NO.11124 OF 2015

M/s. John Deere India Pvt. Ltd.	..Petitioner.
V/s.	
Rajaram Pandurang Patil	..Respondent.

WRIT PETITION NO.12498 OF 2015

M/s. John Deere India Pvt. Ltd.	..Petitioner.
V/s.	
Mahavir Prakash Shetye	..Respondent.

WRIT PETITION NO.12499 OF 2015

M/s. John Deere India Pvt. Ltd.	..Petitioner.
V/s.	
Sagar Shashikant Patil	..Respondent.

Mr.Kiran Bapat i/b. Avinash Fatangare for the petitioner in all petitions.

Mr.Tanaji Mhatugade for respondent No.1 in all respondents.

CORAM: NITIN W.SAMBRE, J.

DATE : JULY 9, 2019

P.C.:-

In all these petitions, the order of condoning the delay and further ordering registration of the restoration applications moved by the respondent-workmen is the subject matter of challenge.

2. This Court while admitting the petitions on June 24, 2016 has made the following observations :-

“ Considering that the very question, which is involved in the present petition, is referred to a larger bench of the Supreme Court, having regard to the conflict of two Division Benches of that court, this matter would require consideration. Hence, Rule. The matter before the larger bench is posted on 11 July 2016. Place these petitions on board for hearing on 28 July 2016. The ad-interim order passed on 16 December 2015 shall continue to operate as an interim order pending disposal of the petitions. Respondent No.1 waives service.”

3. Learned counsel for the respective parties are in agreement that the issue which was referred to by the learned

Judge while admitting the writ petitions is already resolved by the Apex Court in the matter of *Haryana Suraj Malting Limited V/s. Phool Chand*¹ particularly paragraph 37.

4. In the wake of above, since the applications for restoration as has been moved in the case in hand which is pending consideration before the Labour Court is held to be maintainable, the only issue which is required to be addressed is, whether the order of condonation of delay warrants any interference.

5. Having heard Mr.Bapat, learned counsel for the petitioner for some time, what is noticed is, the delay is negligible and the same is properly explained by the respondent employee. The discretion exercised by the Labour Court in condoning the delay appears to be reasoned one. As such, no interference in the supervisory jurisdiction is warranted. As such, all these petitions fail and are dismissed.

(NITIN W.SAMBRE, J.)

¹ (2018) 16 Supreme Court Cases 567