

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4139/2019

The Superintending Engineer, EHV O & M Circle, Old Power House, Dafrin
Hospital Road, Amravati and others

..Vs..

Dyaneshwar Khushalrao Bawane

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Sachin Zoting, Advocate for the petitioners.
Shri Kawish B. Dange, Advocate for the respondent.

CORAM : Z.A. HAQ, J.

DATED : 1.7.2019.

C.A.W. NO.1665/2019

For the reasons stated in the application, it is
allowed. Amendment be carried out forthwith. No
costs.

WRIT PETITION NO.4139/2019

Heard.

By this petition, the employer has assailed the
order passed by the Industrial Court by which the delay
of 8 months and 22 days in filing the complaint under
Section 28 of the Maharashtra Recognition of Trade
Unions and Prevention of Unfair Labour Practices Act,
1971 is condoned. The complaint was filed in 2015 and
it was dismissed by the Industrial Court by order dated
28th September, 2016. The order passed by the Industrial

Court was challenged by the employee before this Court in Writ Petition No.4/2017 which came to be allowed by judgment dated 3rd October, 2018. This Court concluded that technically the complaint was filed beyond the prescribed period of limitation and the complainant had not filed any application praying for condonation of delay in filing the complaint. This Court remanded the matter to the Industrial Court and granted liberty to the complainant to move application praying for condonation of delay. Accordingly, after remand, the complainant had filed application (Exh. No.U-20) contending that the order dated 3rd July, 2014 by which the benefits given to the complainant were withdrawn was given effect from April, 2015 and, therefore, the cause of action for filing the complaint arose in May, 2015 and, therefore, the complaint was filed within prescribed period of limitation. Alternatively, the complainant prayed that for the reasons stated in the application, specially the fact that till May 2015, order dated 3rd July, 2014 was not given effect to, the delay in filing the complaint be condoned.

Though the Industrial Court, while condoning the delay, by the impugned order, has not elaborately dealt with the rival contentions, in my view, the order passed by the Industrial Court condoning the delay of 8 months 22 days in filing the complaint cannot be faulted with. The complainant has properly explained the delay in filing the complaint. Hence, I see no reason to show any indulgence in the matter. The writ petition is

dismissed. In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.