

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

Writ Petition No.3501 of 2018

Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), Nagpur & another
vs.

The General Manager, Western Coal Field Ltd., Nagpur & others

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri S.G. Nigot, Advocate for the Petitioners.
Shri M. Anilkumar, Advocate for Respondent No.1.
Ms. Neerja Choubey, Advocate for Respondent Nos.2 & 3.*

CORAM : SUNIL B. SHUKRE & S.M. MODAK, JJ.
DATE : 26th JUNE, 2019.

Heard Shri Nigot, learned Counsel for the petitioners, Shri Anilkumar, learned Counsel for respondent No.1 and Ms. Choubey, learned Counsel for respondent Nos.2 & 3. Respondent No.3 is a formal party.

The Ministry of Labour, Government of India has refused to refer the dispute for its adjudication to the Industrial Court vide its order passed on 29th January, 2018. It is this order because of which the petitioners feel aggrieved.

On going through the various orders passed by the authorities and also the own submissions of the petitioners, we find that petitioner No.2 has approached the respondent authorities seeking change

of date of birth entry on the service record at the fag end of his career as a Driver. He ought to have done so before his retirement approached, but he did not do so. The dispute was raised on his behalf by petitioner No.1 - Union in March, 2017 and Failure of Conciliation Report was given by respondent No.3 on 27/11/2017. By the impugned order dated 29/01/2018, the Ministry of Labour found that this dispute was not fit for adjudication and, therefore, refused to refer the same for its adjudication. This order ought to have been challenged by the petitioners as expeditiously as possible or at least within a reasonable period of time from the date of the order. But, the petitioners slept over their rights and filed this petition on 11/06/2018 just about 19 days before the retirement of petitioner No.2 on superannuation as per his recorded date of birth.

There is thus an inordinate delay in approaching this Court. The delay is inordinate when it is seen in the context of fast approaching superannuation date of petitioner No.2. Against this set of facts, the petitioners ought to have given reasonable explanation for the inordinate delay that has occurred in the present case, but they have not

done so. Now, petitioner No.2 has also retired on 30th June, 2018. Much water has flown from under the bridge resulting in settling of rights of the parties.

In these circumstances, we cannot entertain this petition only on the ground that it suffers from latches. The petition stands dismissed.

JUDGE

JUDGE

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