

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 8746/2018
(M.S.R.T.C., YEOTMAL VERSUS TEJRAO RAGHUNATH DHIDSE)

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

Court's or Judge's orders

Shri V.G. Wankhede, counsel for petitioner.
Shri C.V. Jagdale, counsel for respondent.

CORAM : A.S. CHANDURKAR, J.

DATE : JULY 01, 2019.

Challenge in the present writ petition is to the order passed by the Industrial Court refusing to condone delay in the appeal filed by the petitioner herein under Section 7(7) of the Payment of Gratuity Act, 1972.

The controlling Authority by an order dated 14.01.2016 directed the petitioner to pay the amount of gratuity to the respondent herein. Being aggrieved the petitioner filed an appeal alongwith an application for condoning delay of about 560 days. The learned Judge of the Industrial Court after referring to the decision in Writ Petition No.1237 of 2015 observed that delay beyond the period of 120 days was not liable to be condoned as there is no jurisdiction to do so.

After hearing Shri V.G. Wankhade, learned counsel for the petitioner and Shri C.V. Jagdale, learned counsel for the respondent, it is seen that the Industrial Court was justified in observing that it had no jurisdiction to condone delay exceeding 120 days. The legal position in this regard is clear from the decision in Writ Petition No.1237 of 2015. Hence, the impugned order cannot be faulted.

The Writ Petition is therefore dismissed. No costs.

JUDGE

APTE