

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

WRIT PETITION NO.407 OF 2019

(SMT. VANDANA PRAKASH THOMBARE...VS.. SAU. YOGITA DAYAL GAWANDE & OTH.)

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

Court's or Judge's orders

Shri G.M.Bagde, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 23, 2019.

Heard.

The petitioner has challenged the order passed by the Industrial Court by which delay of 197 days in filing the complaint is condoned by the Industrial Court. The relevant considerations in para No.10 of the impugned order are as follows:

“10. It is well settled that the period may be different but the cause pleaded for delay should be sufficient cause. In the case in hand, the applicant claims that respondent No.3 is not residing at Ward No.15 but she is residing in Ward No.14 and therefore, she is not entitled for promotion on the post of Anganwadi Sevika. Hence, her promotion is illegal. The applicant asked for relevant documents of residence submitted by respondent no.3 to the respondent Nos. 1 and 2. Respondent Nos. 1 and 2 have not submitted copies of those documents. None of the respondents has produced on record appointment order to show that the address mentioned in the appointment order is the address where she resides and the said address comes in Ward No.15. Therefore, the contentions of the applicant that she was collecting information under R.T.I. thereafter she issued notice through Advocate to the

respondent Nos. 1 and 2, respondent nos. 1 and 2 replied the notice, are the sufficient causes to condone delay. The respondent during cross-examination has brought nothing on record to show that the applicant was not asking information under R.T.I. On the contrary, record shows that she obtained information under R.T.I. The application is presented on 23-2-2017. Having regard to the nature of dispute, the pleadings and oral evidence of the applicant as well as documentary evidence, this Court is of the view that the applicant succeeded in showing that there was good and sufficient reasons for late filing of the complaint. I accordingly answered Point No.11 in affirmative.”

I find that the Industrial Court has dealt with the relevant aspects and on being satisfied with the explanation given by the respondent No.1 has judiciously exercised the discretion in her favour.

I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE