

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

WRIT PETITION NO.1607 OF 2019

Moreshwar S/o Ramchandra Waghmare.

Vs.

The Chief Executive Officer, Zilla Parishad, Bhandara and another.

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

Court's or Judge's orders

Shri R. A. Gupte, Advocate for petitioner.
Shri A. Y. Kapgate, Advocate for respondents.

CORAM : A. S. CHANDURKAR, J.

DATE : NOVEMBER 18, 2019.

The challenge raised in the present writ petition is to the order dated 16.01.2017 passed by the learned Judge of the Industrial Court refusing to condone delay of about three years and sixty days in seeking restoration of the complaint that was dismissed in default on 30.07.2013.

Heard Shri R. A. Gupte, learned counsel for the petitioner and Shri A. Y. Kapgate, learned counsel for the respondents. The record indicates that the petitioner was not diligent in prosecuting the complaint filed by him and hence on 30.07.2013 after finding continuous absence of the petitioner, the complaint was dismissed in default. In the application for condoning delay in seeking restoration of the proceedings there are no details given as to when the petitioner got knowledge about the dismissal of the complaint and the steps taken thereafter. The Industrial Court after considering all these aspects has found that the reasons given for the cause of delay were not sufficient considering the delay of about three years and sixty days. I therefore do not find any reason to interfere with the impugned

order.

It is submitted on behalf of the petitioner that in the complaint filed by him he had sought salary as per recommendations of the 6th Pay Commission. It is stated that benefits under the 7th Pay Commission are also not received by the petitioner. Since the present complaint has not been adjudicated on merits the petitioner is free to pursue his claim for seeking benefits under the 7th Pay Commission. This order would not come in his way if such proceedings are filed.

The Writ Petition stands dismissed with no order as to costs.

JUDGE

Sarkate