

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9102 OF 2019

Kamlakar Gangadhar Joshi

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. Girish Kulkarni h/f Eknath G. Irale, Advocate for the Petitioner.
Mr. S. G. Karlekar, AGP for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 18th FEBRUARY, 2020.

PER COURT:-

. The learned counsel for the petitioner submits that under wrong advice the petitioner had approached the Maharashtra Administrative Tribunal. In the year 2006 settlement could not take place in the conciliation proceeding. Under bonafide belief and under wrong advice the petitioner had approached the Maharashtra Administrative Tribunal. The application for condonation of delay is rejected. The Tribunal considered that there is delay of about 32 years. The learned counsel submits that on account of the conciliation having failed, the petitioner approached the competent Labour Court.

2. The principles of *res judicata* would apply if issue is heard and

finally decided. In the present case, the petitioner's original application is not registered before the Tribunal. The application for condonation of delay is rejected on the ground sufficient cause does not exist. The order of the Tribunal would not preclude the petitioner from availing the remedy as may be permissible under law.

3. With the aforesaid observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.