

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

WRIT PETITION NO. 2807 OF 2019

(Tilak Patrakar Vyawasthapak Mandal & anr..vs.. Shri Rajendra Mahadeorao Mahadik
& Ors)

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

Court's or Judge's orders.

 Shri P.D. Meghe, Advocate for petitioners.
 Shri N.U. Lokhande, Advocate for respondent No.1.
 Shri D.N. Mathur, Advocate for respondent Nos. 2 & 3.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 7th JANUARY, 2020.

1. The petitioner management is aggrieved by the judgment and order dated 27.6.2018, delivered by the Industrial Court by which Revision (ULP) No. 4/2017, filed by the respondent employee, has been allowed. The judgment of the Labour Court dated 24.11.2016 refusing to condone the delay of 13 months, has been quashed and set aside.

2. I have considered the strenuous submissions of the learned Advocates for the respective sides. With their assistance, I gone through the petition paper book. I have perused the application filed by the original complainant for seeking condonation of delay dated 22.8.2013.

3. After considering the submissions of the learned Advocates, I called upon the learned Advocate for the original complainant to state as to whether he would be willing to waive the back wages / monetary benefits from the date of his oral termination which is 15.11.2011 till the date of the judgment of

the Industrial Court which is 27.6.2018. Both the learned Advocates sought a pass over. After lunch recess, when the matter was called out, the learned Advocate for the workman submits that he is willing to waive the monetary benefits for the above stated period and complaint No. ULP/64/2013, which is registered before the Labour Court in 2013, may be expedited. The learned Advocate for the petitioner submits that the management is agreeable. However, this Court would record that the above stated eventuality would take place only if the complainant succeeds before the Labour Court.

4. In view of the above, this petition is partly allowed. The impugned judgment of the Industrial Court dated 27.6.2018, is modified with the observation that, in the event complaint ULP No.64/2013, filed by the original complainant is allowed by the Labour Court or by any superior Court, he would be dis-entitled for monetary benefits from 15.11.2011 to 27.6.2018.

5. Considering the above and in view of the complaint having been filed in 2013, the Labour Court would endeavour to decide the said complaint as expeditiously as possible, and in any case, on or before 30.6.2021.

(Ravindra V. Ghuge, J.)