

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

Civil Application (CAO) No.1380 of 2016 in M.C.A. Stamp No.13593/2016 in
Writ Petition No.364/2016
Gajanan Dhok Vs. Managing Director, NTC and others

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

Court's or Judge's orders

Mr. M.R. Puranik, Advocate for the respondent No.1 to 3.

CORAM : MANISH PITALE, J.

DATED : JANUARY 21, 2020

This Court had issued notice on 13/06/2017, on the application for condonation of delay of 84 days in filing the writ petition. The respondents have appeared through counsel while none appeared on behalf of the applicant / petitioner. It is pointed out that even on earlier occasion none has appeared on behalf of the applicant / petitioner. This Court also found that although the copy of the writ petition is yet to be served on the respondents, nature of reliefs sought in the writ petition cannot be granted. It is pointed out that the grievance of the petitioner is pertaining to a claim raised under the provisions of the Employees Compensation Act, 1923 earlier called Workmen Compensation Act, 1923.

2. It is further pointed out that the petitioner had approached the Competent Court i.e. the

Commissioner under the provisions of the said Act / Labour Court raising claim of compensation, which was rejected by judgment and order dated 05/09/2015. Such rejection of claim could be made subject matter of challenge by filing an appeal under Section 30 of the aforesaid Act and on this basis, it was pointed out that the writ petition was not maintainable and that it deserved to be dismissed.

3. A perusal of the prayer clause in the present writ petition shows that the petitioner has directly sought an order against the respondent for grant of compensation of Rs.5,00,000/- with interest to the petitioner. Although the judgment and order passed by the Commissioner / Labour Court under the provisions of the aforesaid Act has been annexed with the writ petition, no challenge to the same is raised in accordance with law. The manner in which the writ petition is framed and the prayers are made in the same demonstrates that it cannot be entertained, as specific remedy under Section 30 of the aforesaid Act was available to the petitioner.

4. In view of above, it is found that the writ petition itself is not maintainable and passing of any orders on the application for condonation of delay would be of no use.

5. In view of above, the application for condonation of delay as well as writ petition is dismissed.

6. This order will not come in the way of the petitioner to avail remedies that may be available to the petitioner in accordance with law.

JUDGE

MP Deshpande