

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

34 WRIT PETITION NO.7612 OF 2021

**MUSHIRUDDIN ZAINUDDIN SHAIKH
VERSUS
THE MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION JALGAON THROUGH DIVISIONAL
CONTROLLER JALGAON**

...
Advocate for Petitioner : S.U.Shaikh h/f Y M Khan

...
**CORAM: MANGESH S PATIL,J.
DATE : 20.10.2021**

P.C.:

Heard the learned advocate for the petitioner Mr.S.U.Shaikh holding for Mr.Y.M.Khan.

2] The petitioner who was superannuated from the post of Driver in the respondent-Corporation is challenging the result of the disciplinary enquiry in which a major penalty was imposed.

3] Pertinently the departmental enquiry was concluded in the year 2000. Remedy of statutory appeal was also exhausted in the year 2005. He thereafter preferred a complaint under the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 before the Industrial Court. Having failed to get any relief when his complaint was

dismissed in the year 2008, he filed a Writ Petition in the year 2008. For want of compliance of office objections, by the conditional order passed in the year 2009, the Writ Petition was dismissed in default. Since 2009 the petitioner has never made any attempt to get the Writ Petition restored for last more than 12 years. Now with a spacious plea that by passage of time the papers in the earlier Writ Petition have been destroyed and it could not have been restored, the present Petition has been filed in the year 2020.

4] In my considered view, the Petition clearly suffers from delay and laches. True it is that this Court is expected to adopt a pragmatic approach but that cannot happen in the matters of this kind where the petitioner has been remiss since inception in availing of the appropriate remedy within a reasonable time.

5] The Writ Petition is dismissed.

[MANGESH S. PATIL,J.]

umg/