

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5547 OF 2021

Vijay B. Thatte

...Petitioner.

v/s.

M/s. Maharashtra State Electricity

Board E.H.V. Co. & M. Division

...Respondent.

Mr. Prosper D'souza, for the Petitioner.

CORAM: G.S. KULKARNI,J.

DATED : 15th SEPTEMBER, 2021.

PC:-

Heard Mr. D'souza, learned Counsel for the Petitioner.

2 This Petition was filed on 26th August, 2019, challenging the award of the learned Presiding Officer, 7th Labour Court at Bombay dated 13th October, 2000. By the impugned award, the learned Presiding Officer has recorded serious findings inter alia of misconduct and misbehaviour of the Petitioner with his superiors and colleagues, also of using bad and filthy language towards his colleagues and superiors while on duty. The relief of reinstatement to the Petitioner has accordingly been rejected.

3. There is a delay in filing this Petition which is almost of about 19 years.

4 The learned Counsel for the Petitioner has submitted that although there are no specific averments in the memo of the Petition to explain and justify the delay, he however submits that the reasons for such delay be seen from a statement of dates and events annexed at Exhibit-A to the Petition.

5 At the outset such list of dates *per se* cannot be assumed to be any pleading to support a case of condonation of delay, and that too a gross delay of 19 years in filing this Petition. Even, on a perusal of such dates and events, which appears to be more of a summary of the Petitioners service record right from the date of his appointment in 1976, what can be seen is that the Petitioner at all material times was aware of the impugned award as passed on 13th October, 2000 and its effect. The Petitioner also made some representations to the Hon'ble Chief Justice of this Court and to the Legal Service Authority in the year 2012. In my opinion, making such representations would certainly not assist the Petitioner as mere addressing such representations *ipso facto* would not make out any ground in law to hold that the Petition is not barred by delay and laches.

6 In these circumstances, it is not possible to entertain this

Petition. It is clearly barred by principles of delay and laches. The
Petition is accordingly rejected.

7 No order as to costs.

(G.S. KULKARNI,J.)

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