

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

WRIT PETITION NO. 4138 OF 2017

Kisana s/o Sukhdeo Kumre,
Aged about 55 years, Occ. Service,
r/o Near Jagat Mandir, Yavatmal.

...PETITIONER

...VERSUS...

1) Maharashtra State Road Transport
Corporation, through its Divisional Controller,
Arni Road, Yavatmal.

2) Maharashtra State Road Transport
Corporation, through its Divisional Traffic
Superintendent, Arni Road, Yavatmal.

...RESPONDENTS

Mr. C. V. Jagdale, Advocate for petitioner.

Ms B. Reddy, holding for Mr. V.H. Kedar, Advocate for respondent
nos. 1 and 2.

CORAM:- V. M. DESHPANDE, J.
DATED :- JANUARY 25, 2021.

ORAL JUDGMENT

1. Rule. Rule is made returnable forthwith. Heard finally
by consent of learned counsel for the parties.

2. Heard Mr. Jagdale, learned counsel for petitioner and
Ms Reddy, learned counsel holding for Mr. Kedar, learned counsel
for respondents.

3. The cause for filing this writ petition is that application filed on behalf of the petitioner for condonation of delay in filing application for restoration of the revision is rejected.

4. The petitioner is a Conductor. He was served with a show cause notice for termination. That was challenged by filing Complaint ULP No.1/2013. In that, an application for interim relief was moved and the learned Judge, Labour Court, Yavatmal, vide order dated 10.11.2016, rejected the application for interim relief. Against that the petitioner filed revision before the learned Industrial Court, Yavatmal, which was registered as Revision No.ULPA 34/2016. During the pendency, the said revision was placed before the National Lok Adalat. The National Lok Adalat, passed an order that since there is a compromise between the petitioner and the employer, the revision was allowed to be withdrawn. It is the submission of learned counsel for petitioner that the said compromise was not signed by the department or any of the authorised person. In that view of the matter, an application for restoration of the said revision was filed. Since, it was barred by limitation, an application for condonation of delay was also filed. The said is rejected.

5. Before this Court, it is stated that Complaint ULP No.1/2013 filed on behalf of petitioner is still pending before the Labour Court, Yavatmal. Hence in my view, justice can be achieved by passing the following order.

ORDER

Complaint ULPA No.1/2013, which is filed by petitioner against respondents, if it is still pending on the file of Labour Court, Yavatmal, the Labour Court, Yavatmal shall decide the same within a period of six months from the date of receipt of this order by giving an opportunity of hearing to both; petitioner as well as respondents.

Needless to mention, till the decision of the main complaint, order of status granted by this Court on 07.07.2017 shall remain in operation.

Writ petition is disposed of with no order as to costs. Rule accordingly.

JUDGE

kahale