

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

WRIT PETITION NO.12543 OF 2017

KASHINATH GOVINDA BAGUL
VERSUS
DIVISIONAL CONTROLLER MAHARASHTRA STATE ROAD TRANSPORT
CORPORATION DHULE

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Advocate for the Petitioner : Shri Patil Sandesh R.

Advocate for the Respondent : Shri D.S. Bagul

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 09th March, 2022

Per Court:

1. Shri Patil, the learned advocate for the petitioner, has strenuously assailed the order dated 23.06.2016 passed by the Industrial Court, Dhule, vide which, his Miscellaneous Application (ULP) No.35/2015 seeking condonation of delay in filing the ULP complaint, has been rejected. It is fairly stated that the delay is of around four years. However, Shri Patil has strenuously canvassed the reasons assigned for seeking condonation of delay.

2. Shri Bagul, the learned advocate for the respondent, has strenuously opposed the writ petition.

3. I find from the pleadings and conclusions of the Industrial

Court that, in the backdrop of the limitation of 90 days under the Industrial Court Regulations, 1975 for filing the complaint (ULP), the reasons assigned are not satisfactory. The grievance is regarding non payment of one increment.

4. In view of the above, I do not find that the impugned order could be termed as being perverse or erroneous. However, the petitioner cannot be rendered remedy-less. He is a workman and the respondent is an industry. He can raise an industrial dispute for non payment of one increment under Section 2(k) of the Industrial Disputes Act, 1947. In the event, such an industrial dispute is raised within 45 days from today, the Conciliation Officer shall expeditiously deal with the said dispute and submit his report, as the case may be, on or before 15.07.2022. If an industrial dispute exists and the conciliation has failed, the appropriate government could refer the same to the Industrial Tribunal.

5. The Writ Petition is disposed off with the aforesaid observations.

kps

(RAVINDRA V. GHUGE, J.)