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

916 WRIT PETITION NO.6847 OF 2020

PRAKASH JANARDHAN CHALIKWAR
VERSUS
THE SUPERINTENDING ENGINEER AND OTHERS

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Mr Ajinkya Reddy, Advocate for petitioner;
Mr U. S. Malte, Advocate for respondent Nos.1 to 4
Mr A. N. Ansari, Advocate for respondent No.5

CORAM : RAVINDRA V. GHUGE, J

DATE : 16th March, 2022

PER COURT:

1. The petitioner is aggrieved by the refusal of the learned Industrial Court to condone the delay of 8 years 2 months and 24 days in filing a Complaint (ULP), vide the impugned order dated 17/02/2020, delivered in Misc. (ULP) Delay No.10/2019.

2. The order of punishment is dated 20/12/2010. The first appeal preferred by the petitioner is rejected by the Appellate Authority on 16/01/2011. His second appeal filed on 25/10/2011 under Regulation 106 of the MSEB Employees Regulation was rejected by the second Appellate Authority on 30/12/2012. He is under a misconception that his Mercy Application is pending, when there is no provision for entertaining a Mercy Application. He approached the Industrial Court on 13/06/2019, when

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limitation for preferring a ULP Complaint under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 read with Regulations 100 and 101 of the Industrial Court Regulations, 1975, is 90 days.

3. In view of the above and considering the reason that the petitioner was sending representations and a mercy representation was pending, I am convinced that these are not the grounds to be taken into consideration for condoning inordinate delay of around 8 years and 3 months, in the light of the Judgment of the Hon'ble Supreme Court, delivered on 28/02/2022 in Special Leave Petition (Civil) No.3008/2002, filed by **Surjeet Singh Sahni Vs. State of U.P. and others.**

4. In view of the above, this petition is dismissed.

5. The petitioner prays for liberty to raise an industrial dispute under the Industrial Dispute Act, 1947. No doubt, there is no limitation prescribed under the Industrial Dispute Act, 1947. However, an industrial dispute has to be raised within a reasonable time. If an inordinate delay is caused, no backwages can be paid for the period of delay, in the event the employee finally succeeds.

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6. As such, if the petitioner raises an industrial dispute within 30 days from today, the Conciliation Officer would consider the above factors and would also consider the objections of the employer before issuing any orders.

(RAVINDRA V. GHUGE, J.)

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