

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

917 WRIT PETITION NO.12312 OF 2022

BALU JAISING RATHOD
VERSUS
THE ASSISTANT DIRECTOR PASHU SANVARDHAN KUKUT
PRAKALPOSMANABAD AND ANOTHER

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Advocate for Petitioner : Mr M.B.Kolpe h/f Mr Vivekanand B. Deshmukh
AGP for Respondent/State: Mrs G.L. Deshpande

CORAM : SANDEEP V. MARNE, J.
DATE : 8th DECEMBER, 2022

PER COURT :

1. Petition is filed challenging the Judgment and order dated 01.04.2022 passed by the Labour Court, Latur rejecting the reference of petitioner bearing (IDA) No.1/2011.
2. Petitioner claims to have worked during the year 1984 to 1987 and raised dispute about alleged wrongful termination for the first time after lapse of 24 long years on 18.03.2011. The reference was earlier allowed by Judgment and order dated 03.08.2015 and in Writ Petition No. 2572/2016 filed by the Zilla Parishad, this Court was pleased to remand the reference back to the Labour Court with a direction to implead Zilla Parishad as party to the reference. This Court specifically directed consideration of issue of delay of 24 years of raising the dispute.
3. Accordingly, the reference has been considered again and decided against petitioner by Judgment and order dated 01.04.2022.

4. After considering the entire evidence on record, the Labour Court has arrived at the conclusion that petitioner could not establish that he rendered 240 days of service in any particular year.

5. Petitioner raised dispute in respect of his alleged termination after a period of 24 long years which itself ought to have been a fit ground for rejection of the reference in *limine*.

6. The Labour Court was determining the validity of the claim of petitioner in the year 2022 by which time, a period of 35 long years has lapsed. The respondents are not expected of preserving records relating to petitioner of producing evidence countering the claim of petitioner after such a long lapse of time. None-the-less, the Labour Court has gone into the entire material on record and has arrived at a finding that petitioner was not able to prove that he has completed 240 days of service.

7. In my view, the reference has rightly been rejected. The writ petition is devoid of merits and the same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

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