

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

WRIT PETITION NO.2550 OF 2020

**THE TEACHERS CO-OPERATIVE CREDIT SOCIETY LTD THROUGH
CHAIRMAN AND ANOTHER
VERSUS
HIRACHAND LAXMANRAO KALE**

...

**Advocate for Petitioners : Mr. Ambad Shrinivas A
Advocate for Respondent : Mr. R. D. Khadap**

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 13th January, 2022

PER COURT :

. This petition takes exception to the order dated 03/12/2019 passed by the Labour Court, Aurangabad in Misc. Delay (ULP) No.12/2015, thereby condoning the delay of 1624 days in filing the complaint (ULP).

2. The respondent's services were terminated by the petitioners. The respondent filed complaint (ULP) No.12/2015 in the month of July-2015 along with delay condonation application seeking condonation of delay of 1624 days on the ground that he repeatedly approached the petitioners and requested them to reinstate him in service, but the petitioners assured him to consider his request in the

meetings, which was not done. The respondent was under bonafide impression that his request is under consideration and he was given assurance that, he will be reinstated. Since this was not done, he could not earlier approach within stipulated time. The Labour Court condoned the delay on the ground that the respondent was not negligent, but he was continuously approaching the petitioners and every time, the petitioners gave assurance to him. The respondent, therefore, was under bonafide impression that he would be reinstated in service as per the assurance. The Labour Court, therefore, concluded that sufficient cause is shown by the respondent and hence, condoned the delay by imposing a cost of Rs.1000/- on the respondent.

3. Since the termination order is impugned by the respondent in the complaint (ULP), he has a right to challenge the validity of the termination order on merits. It is settled legal position that delay is to be liberally condoned. The Labour Court has passed a well reasoned order. There is no illegality or perversity in the impugned order. The writ petition being devoid of merits is dismissed.

(NITIN B. SURYAWANSHI, J.)