

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

WRIT PETITION NO.992 OF 2020

1. Shri Shivaji College of Horticulture,
through its Principal, Shashank Bapurao
Deshmukh, Aged about 44 years,
Occ: Service, R/o Rampuri Camp Road,
Amravati.
2. Shri Shivaji Education Society, Amravati
through its Secretary,
Shri Sheshrao Shankarrao Khade,
Aged about 68 years, Occ: Retired,
R/o Shivaji Nagar, Amravati. **PETITIONERS**

...V E R S U S...

Lokesh Rameshrao Deshmukh
Aged about 40 years,
Occupation : Service,
R/o C/o Sudhir Deshmukh,
Revati Apts., Near Nakshatra Area,
Shegaon-Rahatgaon Road, Amravati,
Tah. & Dist. Amravati. **RESPONDENT**

 Mr. Abhilash Shriwas, Advocate holding for Mr. K. P.
 Mahalle, Advocate for Petitioners.
 None for Respondent.

CORAM: **ROHIT B. DEO, J.**
DATE: **15th MARCH, 2022.**

ORAL JUDGMENT:

The petitioners are the respondents in ULP Complaint
 73/2019 which is instituted seeking the relief of revision of
 dearness allowance.

2. In the absence of written statement the Industrial Court passed order dated 30.11.2019 proceeding without written statement.

3. The petitioners preferred an application dated 14.01.2020 for setting aside the no written statement order and for grant of permission to place the written statement on record. This application is rejected on the premise that the respondent failed to file the written statement within ninety days of the receipt of notice. The other reason is that the explanation is evasive and informal.

4. None appears on behalf of the respondent who is duly served.

5. I am satisfied that the approach of the Industrial Court is hyper technical.

6. Assuming *arguendo* that there is any limitation as such for filing the written statement, the explanation for the inability to file the written statement could not have been brushed aside with the laconic observation that the explanation is evasive.

The order impugned is set aside. The written statement be taken on record. The learned Industrial Court is requested to expedite the hearing of the complaint.

7. The petition is allowed in the aforestated terms.

JUDGE

NSN