

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

WRIT PETITION NO.2263 OF 2022

(Municipal Council Nandura, thr. Chief Officer, Nagar Parishad Office, Nandura Vs.
Smt. Shakuntala Ramgopal Chawriya)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. D. I. Jain (Sisodia), Advocate for Petitioner.

CORAM: ROHIT B. DEO, J.

DATE: 27th APRIL, 2022.

The petitioner – Municipal Council Nandura suffered order dated 24.03.2014 in Complaint ULP 101/2011 whereby the respondent – employee who is now aged 70 years was held entitled to pension.

2. The Municipal Council preferred an application for setting aside the order dated 24.03.2014 contending that the order was *ex-parte* and simultaneously preferred an application for condonation of delay, which is rejected by the order impugned dated 20.02.2018.

3. The Industrial Court relied on the decision of this Court in *M/s. Mahaveer Paper Products Ltd. v. State of Maharashtra 2017 (152) FLR 11* to hold that there was no jurisdiction to condone the delay after the expiry of the period stipulated in Section 31 (2) of the Act.

4. The reasons recorded by the Industrial Court apart, I find that the petition merits rejection on the short ground that the petitioner is guilty of laches.

5. The order dated 20.02.2018 is challenged after 4 years and 2 months and in the petition there is not even a single word to explain the inordinate delay in approaching this Court.

6. The employee has superannuated and is a senior citizen.

7. Holistically considered, the petition merits rejection, and is accordingly rejected with no order as to costs.

JUDGE

NSN