

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

Writ Petition No. 3917 of 2021

- (1) The Principal, Gram Shevak Training Center,
Shivaji Nagar, Amravati
Tq. & Dist. Amravati.
- (2) Shri. Shivaji Education Society,
Shivaji Nagar, through its Secretary, Amravati,
Tq. & Dist. Amravati.

.... Petitioners

.. Versus ..

- (1) Rajeshwar Manoharrao Wankhede,
Aged about 66 years, Occu : Retired,
R/o Gramshewak Training Center quarter,
Rampuri Camp, Amravati,
Tq. & Dist. Amravati.
- (2) Government of Maharashtra through
Secretary, Rural Development (Gram
Vikas) Department, Mantralay,
Bombay (M.S.)

.... Respondents

Mr. Abhay Sambre, Advocate for the petitioners
Mr. V. G. Wankhede, Advocate for respondent 1

CORAM : ROHIT B. DEO, J.
DATED : 7-3-2022

ORAL JUDGMENT

Rule. Rule made returnable forthwith. Heard finally with
consent of learned counsel appearing for the parties.

2. The petitioners preferred an appeal under Section 7 of the Payment of Gratuity Act, 1972 (Act) challenging the order dated 6-12-2018 rendered by the controlling authority – Labour Court.

3. The application was delayed, and an application seeking condonation of delay of six months came to be preferred, which is rejected by the order impugned.

4. In all fairness, both the learned counsel invited my attention to the decision of the Division Bench of this Court in ***J. L. Morrison India Ltd., Mumbai Vs. Dy. Commissioner of Labour, Mumbai and ors.*** reported in ***2007(6) Mh.L.J. 393*** which articulates that in view of the proviso to Section 7 sub-section 7 of the Act, the appellate authority is precluded from extending the period to prefer an appeal beyond 60 days.

5. Relying on the decision of the Division Bench, the learned Single Judge of this Court in ***Writ Petition 6111/2016 (Chief Executive Officer, Z.P., Yavatmal Vs. Shriram Hanumant Meshram)*** held that period beyond 120 days cannot be condoned. The said period shall include the statutory prescribed period of 60 days and the further extension of 60 days which the appellate authority can grant.

6. I see no reason to interfere in writ jurisdiction. The petition is dismissed.

JUDGE

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