

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

**CIVIL APPLICATION NO.2525 OF 2021
IN RC/865/2018 in WPST/40390/2017**

**MAHADU CHIMNA PARDESHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. Solanke Shikrashna B.
AGP for Respondents/State : Mr. S.K. Tambe
...

**CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 8th September, 2023**

PC. :-

1. The Writ Petition was refused registration by the learned Registrar for non removal of office objections. Excluding the Covid-19 pandemic period, the delay is of 589 days.
2. Issue notice to the Respondents, by consent, made returnable forthwith.
3. The learned AGP who waives service of notice on behalf of all the Respondents, submits that heavy costs need to be imposed in this matter.
4. The learned advocate for the Applicant submits that the Applicant works in a Court at Aurangabad. Issue is as regards the caste validity

certificate. Presently, he is in employment and is also receiving his full salary. He, therefore, agrees to donate Rs.1000/- only to the Advocate's Association Bar Library, High Court of Bombay, Bench at Aurangabad.

5. The learned AGP has vehemently opposed the Application and submits that a sleeping litigant deserves to be punished and a litigant who does not care to initiate appropriate steps at the appropriate time, should be granted no relief.

6. We have perused the reasons cited. Considering the law laid down in **Collector, Land Acquisition, Anantnag & Anr. V/s. Mst. Katiji & Ors.; AIR 1987 SC 1353**, we find that laches are not attributable to the conduct of the Applicant. An irreparable harm would be caused to him if the delay is not condoned since he is under a threat of loss of employment as his validity claim is pending.

7. In view of the above, **the Civil Application is allowed.** The Writ Petition stands restored.

8. By consent of the parties, we are taking up the Writ Petition for hearing.

9. The Petitioner has been served with the impugned letter dated 17.11.2017 by the learned Administrative Judge, Labour Court, **Aurnagabad** Aurangabad, directing him to produce the validity certificate or face loss of employment. His claim is pending validation since 12.07.2013. The learned AGP points out that the Petitioner was negligent and did not participate in the proceedings. The same were closed due to his non-participation. On his online application, the proceedings were restored on 01.09.2023.

10. In view of the above and since the Petitioner is in employment, there is every possibility that he might lose his employment. Hence, we are taking a lenient view in this matter.

11. **This petition is disposed off with directions as under:**

- a) The committee shall decide the claim of the Petitioner on or before 30.06.2024, keeping in view that students cases are presently being dealt with by the committee on priority basis.
- b) The impugned communication dated 17.11.2017 and the recent communication dated 08.08.2023, shall be kept in abeyance till 15.07.2024.
- c) If the Petitioner's claim is invalidated by the judgment of the committee on or before 30.06.2024, the same would come into operation, 15 days after the decision and thereafter, the Labour Court would be at liberty to proceed.

12. Taking into account the earlier laxity on the part of the Petitioner, we direct that the Petitioner shall render wholehearted cooperation and support the committee in deciding the matter even prior to 30.06.2023. If adjournments are sought on unreasonable grounds, the committee shall progress with the further stages in the matter.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]