

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13076 OF 2022

Rekha Uddhav Changde

Petitioner

Versus

Secretary Baliram Naik Shikshan
Prasark Mandal And Another

Respondents

Mr. Mayur Subhedar h/f. Mr. Harish Bali, Advocate for the
petitioner.

Mr. Chandrakant Thombre h/f. Mr. S.C. Thombre, Advocate for
the respondents.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 14th SEPTEMBER, 2023

ORDER :

1. Petitioner is aggrieved by the order passed by learned Member, Industrial Court, Jalna, in Miscellaneous Delay (ULP) No. 3/2020, thereby rejecting the application filed by the petitioner seeking condonation of delay in filing complaint.

2. By filing complaint petitioner has challenged the so called punishment order dated 24.08.2018 thereby stopping her five increments and has sought direction to the respondents to release five increments to her. Since there was delay in filing said complaint petitioner has filed Miscellaneous Delay (ULP) No. 3/2020, seeking condonation of delay of 21 months.

3. Respondents opposed the delay condonation application filed by the petitioner contending that no such order of punishment dated 24.08.2018 is issued against the petitioner and five annual increments of the petitioner are not stopped.

4. Industrial Court after hearing the parties has rejected the application seeking condonation of delay holding that respondent has specifically contented that no such order dated 24.08.2018 is passed and the five increments of the petitioner are not stopped. Petitioner was called upon by the Industrial Court to submit the said order dated 24.08.2018, which is impugned by the petitioner in the complaint. Petitioner has failed to do that. Even, the petitioner failed to submit her salary slips, which would indicate whether her five increments are stopped are not.

5. Heard the learned advocate for the petitioner and learned advocate for the respondents. Perused the writ petition memo, its annexures and the impugned order.

6. From the rival contentions of the parties it is clear that the very punishment order dated 24.08.2018, challenged by the petitioner in the Complaint (ULP) was never issued by the

respondents and is therefore not in existence as per the contention of the respondents. In that view of the matter, no useful purpose would be served by condoning the delay in filing Complaint (ULP). The Industrial Court therefore in the facts of the present case is justified in rejecting the application filed by the petitioner seeking condonation of delay. No fault can be found with the order impugned in the present petition. Writ petition being devoid of merit is dismissed.

7. Petitioner is at liberty to avail appropriate remedy as permissible in law.

[NITIN B. SURYAWANSHI, J.]