

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10338 OF 2023

M/s. Looks, The Lady Shopee

.. Petitioner

Versus

Anita Balram Dudhal & Ors.

.. Respondents

- Ms. Lalita Panchakshari for Petitioner

CORAM : MILIND N. JADHAV, J.

DATE : AUGUST 22, 2023

P.C.:

- 1.** Heard Ms. Panchakshari, learned Advocate for Petitioner.
- 2.** Ms. Panchakshari has drawn my attention to the impugned order dated 11.03.2022. The said order came to be passed in an Application seeking restoration of dismissed Reference (IDA) No. 85 of 2012 which came to be dismissed for default by Award dated 03.03.2015. Petitioner has strongly contested the said Application seeking restoration. Admittedly facts are that the Respondent was employed as a saleswoman in the business premises of the Petitioner for almost six years and thereafter due to certain frictions / arguments, she discontinued attending her job. After Reference was filed, the Dy. Commissioner of Labour, Pune referred the Dispute to the Labour Court for adjudication. Respondent had also instituted her Application before the Labour Court, Pune for payment of her salary differential. Hence, there were two cases which used to be kept on the

same date that is the Reference case as well as the Application filed by the Respondent. It was the case of the Respondent that she was suffering from backache and financial problems. The said fact is considered in the impugned Judgment passed by the Competent Authority. Though it is argued on behalf of Petitioner by Ms. Panchakshari that no medical certificate was placed on record for the purpose of seeking restoration, one needs to understand the gravity of litigants in such matters when they approach the Courts. In the present case, it is clearly seen that the Competent Authority has noted that the Respondent was also having financial problems. That apart, record further reveals that Respondent had filed her affidavit of examination in chief also and she was also cross-examined before the Competent Authority in the principal Reference.

3. I have perused the findings returned in paragraph No. 9 of the impugned order which relate to the medical issue of the Respondent and have no reason to disbelieve what is stated therein. In that view of the matter, notwithstanding the fact that the delay which has occurred beyond the period of 90 days, the same is rightly condoned in the facts and circumstances of the present case after going through the record of the case placed before me. I find that the impugned order dated 11.03.2022 is a cogent and reasoned order and I do not find any reason to interfere with it. Hence, the impugned

order is sustained.

4. At the request of Ms. Panchakshari, it is directed that Reference (IDA) No. 85 OF 2012 on the record and file of the Adjudicating Authority shall be heard and decided within a period of four months from today. Copy of the order shall be served on the Respondents by the Advocate for Petitioner.

5. With the above directions, Writ Petition is disposed.

Amberkar

[MILIND N. JADHAV, J.]

RAVINDRA
MOHAN
AMBERKAR

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by RAVINDRA
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AMBERKAR
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