



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

WRIT PETITION NO. 6481 OF 2022

(CHIEF OFFICER, AKOT MUNICIPAL COUNCIL, AKOT ..VS.. JAGDEO YESHWANT NITALE & OTH.)

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

Court's or Judge's orders

Shri A.J.Thakkar, Advocate for Petitioner.
Shri Vipul B.Bhise, Advocate for Respondent Nos.1 and 2.

CORAM : ANIL S. KILOR, J.
DATED : AUGUST 22, 2023.

1. Heard.
2. The present petition arises out of the judgment and order passed by the Industrial Court, Akola on 15/02/2014 in Complaint ULP No.32 of 2008, partly allowing the same and thereby directing the petitioner to implement the award passed in IDA Reference Nos.06/2001, 07/2001 and 08/2001 by reinstating the respondent Nos.1 to 3 in service.
3. The respondents are Safai Kamgar (Sweeper) and since they were terminated, they filed IDA Reference Nos. 06/2001, 07/2001 and 08/2001, respectively against the petitioners before the Labour Court. The said reference was answered in affirmative vide award dated 22/01/2008 and thereby the petitioner was directed to reinstate the respondents in service with continuity. Despite the award no work was allotted to the respondents

and issued notice in the newspaper in respect of recruitment of Safai Kamgar. Therefore, the respondents approached the Industrial Court by filing Complaint (ULP) No.32 of 2008, which came to be partly allowed vide impugned judgment and order dated 15/02/2014. The said judgment is *ex parte* and despite the notice was served upon the petitioner, the petitioner failed to appear in the said matter.

4. In the present writ petition, the petitioner has raised a challenge to the award dated 22/01/2008 passed by the Labour Court and the judgment and order dated 15/02/2014 passed by the Industrial Court, Akola. The present petition came to be filed on 06/01/2022 i.e. after 14 years of the award passed by the Labour Court. No explanation has been offered by the petitioner for such inordinate delay in approaching this Court.

5. In that view of the matter, as the rights are crystallized in favour of the respondents, I do not want to interfere with the award dated 22/01/2008, consequently the challenge to the judgment and order dated 15/02/2014 also goes.

Accordingly, the Writ Petition is **dismissed**. No order as to costs.

JUDGE