

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

Writ Petition (WP) No. 6346 of 2022

Shiva S/o Gomaji Todase

Versus

Secretary, Forest Department, Government of Maharashtra, Mantralaya,
Mumbai and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.N.Mathur, Advocate for the petitioner.

Ms. H.N.Jaipurkar, AGP for the respondent nos. 1 to 5.

CORAM : ANIL S. KILOR, J.

DATED : 3rd JANUARY, 2023.

This writ petition is questioning the correctness and legality of the order below Exh. U/6 dated 7th October, 2019 passed by the learned Industrial Court No.4, Nagpur in Revision (ULP) No. 38 of 2016, rejecting the application for condonation of delay in filing the revision application.

2. Learned counsel for the petitioner submits that in paragraph 9 of said application, he had given sufficient reasons explaining the delay. It is submitted that despite the satisfactory explanation for cause of delay, the learned Industrial Court has rejected the

application. He therefore submits that the impugned order is erroneous and liable to be quashed and set aside.

3. On the other hand learned Assistant Government Pleader points out that sufficient explanation was not offered by the petitioner and therefore the delay was not condoned by the Industrial Court.

4. I have perused the application and impugned order in the said writ petition.

5. The petitioner in his application of condonation of delay Exh.6 in paragraph 9 has given the explanation which read thus:

“ 9. That the reasons for delay are submitted hereunder for kind consideration by this Hon’ble Court:

(a) That the revision applicant was under treatment from 1.4.2009 to 23.3.2010 for leprosy. To substantiate the same, the revision applicant has enclosed a copy of medical certificate issued by Assistant Director Medical Service (Leprosy), Nagpur.

(b) That after recovery, the revision applicant went out of Nagpur where he remained with his relatives till recently i.e. 2015 taking necessary treatment.

(c) That the revision applicant had no knowledge that his complaint has been dismissed by learned Labour Court till he came back to Nagpur.

(d) That the counsel who was conducting the case of revision applicant before learned Labour Court did not inform the revision applicant about dismissal of his complaint. The revision applicant was therefore under impression that his complaint is in the process of hearing before learned Labour Court.

(e) That it is well settled that a litigant should not be allowed to suffer for the fault of his counsel. Accordingly, the present revision applicant should not suffer for the fault of his counsel of not informing him about the status of his complaint before learned Labour Court.”

6. In this case there is a delay of seven and half years and if the above referred explanation is accepted, it can be seen that the petitioner did not contact his lawyer for last seven and half years. The petitioner has not given any justification for not contacting his lawyer for such a long period. The learned trial Court therefore while rejecting the application has rightly held that the petitioner has failed to give any satisfactory explanation reason for delay in filing revision application.

7. After perusal of the explanation given in the application and the reasons recorded by the learned Industrial Court, I am of the opinion that no error has been committed by the learned Industrial Court in rejecting the application for condonation of delay.

8. In the circumstances, no interference is warranted. The writ petition is dismissed.

[ANIL S. KILOR, J.]

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