



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

Writ Petition No.1712 of 2023

Maharashtra State Road Transport Corporation, Thr. Its Divisional Controller, Akola
Vs
Madhu Babu Chaware

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

Court's or Judge's Order

Shri P.S. Gavai, Advocate for the Petitioner/s
Shri V.A. Lohia, Advocate for the R-sole

CORAM : ANIL S. KILOR, J.
DATED : 24.08.2023

1. Heard.
2. The orders, rejecting the application(s) for condonation of delay in filing appeal, passed by the Industrial Court on 13.07.2022 and 08.12.2022, are under challenge in this petition.
3. It is the case of the petitioner that, the gratuity order under Section 7(4) of the Payment of Gratuity (Central) Rule 1972 was passed by the Labour Court, Akola on 10.12.2021 and the appeal against the said judgment and order was filed before the Industrial Court, Akola on 05.07.2022. It is submitted that, if the period directed to be excluded by the Hon'ble Supreme Court of India due to pandemic i.e. from 15.03.2020 to 28.02.2022, is excluded, the appeal was filed not beyond 120 days but it was filed within 90 days.

4. It is further submitted that the learned Industrial Court without considering the said fact and without observing anything, in cryptic manner passed the order.

5. On the other hand, the learned counsel for the respondent-sole opposes the present petition on the ground that, the clause 5(III) of the Order of the Hon'ble Supreme Court of India in Miscellaneous Application No.21 of 2022 decided on 10.01.2022, on which the petitioner has relied upon, is not applicable to the case of the petitioner. He therefore, submits that the order passed by the Industrial Court is just and proper.

6. I have perused the record and the impugned order.

7. After going through the order of the learned Industrial Court, I find substance in the submission of the learned counsel for the petitioner that, the order has been passed in a cryptic manner and no proper reasons are recorded, which are required to be recorded, particularly when, a litigant is going to get adversely affected by such order and would lose the right of appeal.

8. In that view of the matter, as the learned Industrial Court has not considered the points raised by the petitioner as regards the period of pandemic and other submissions, I am of the opinion that the matter needs to be remanded back to the learned Industrial Court to decide the same afresh. Accordingly, I pass the following order:

- (i) The writ petition is **partly allowed**.

(ii) The orders dated 13.07.2022 and 08.12.2022 passed by Industrial Court, are hereby quashed and set aside.

(iii) The matter is remanded back to the learned Industrial Court for the deciding the same afresh, after hearing both the parties.

[ANIL S. KILOR, J.]