

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

WRIT PETITION NO.6929 OF 2018

(SHRINIWAS BALASAHEB KAMBLE..VS.. THE DIRECTOR OF PATHYAPUSTAK MANDAL & OTH.)

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

Court's or Judge's orders

Shri Narendra Dhoot, Adv. h/f. Shri N.R.Saboo, Advocate for Petitioner.
Shri Anand Parchure, Advocate for Respondent Nos.1 to 3.

CORAM : ANIL S. KILOR, J.

DATED : JULY 25, 2023.

1. Heard.

2. The present petition is against the order refusing to grant permission to deposit the costs imposed as condition for restoration of Complaint (ULP) No.122 of 1997 which was filed challenging the termination order.

3. After the petitioner was terminated in the year 1997 the aforesaid Complaint (ULP) No. 122 of 1997 was filed and thereafter because of continuous absence of the petitioner it was dismissed for want of prosecution on 18/06/2012. The petitioner did not take any steps to restore the said matter for about two years and thereafter an application for restoration was filed. The said application was allowed subject to payment of costs of Rupees Ten Thousand, to be deposited within two months, which the petitioner did not pay within the stipulated period and thereafter on 09/06/2015 i.e. after six months, the application for permission to deposit the

costs was filed. The said application was allowed by the Labour Court, however, it was challenged by the respondent before the Industrial Court. Thereupon, the Industrial Court remanded the matter back to the Labour Court to decide it afresh. After the remand the learned Labour Court rejected the application and refused to grant permission to the petitioner to deposit the amount of costs.

4. The petitioner, thereafter carried the revision before the Industrial Court, which came to be dismissed vide judgment and order dated 23/03/2018, which is the subject matter of the present writ petition.

5. The present writ petition was filed on 20/06/2018 and on 12/03/2019 this Court issued notices to the respondents. Thus, from the date of filing a period of more than five years has been elapsed and during this period after issuance of notice no steps were taken by the petitioner to get the matter listed before this Court for admission. In the meantime, the petitioner has crossed the age of superannuation and as per the title clause of the petition the petitioner by now must be of 61 years old. If the date of termination of the petitioner is considered, the period of 26 years has lost so far.

6. In the above referred backdrop, considering the conduct of the petitioner at all stages in pursuing the

cause, it is apparent on the face of the record that the petitioner is not diligent, but he is negligent in pursuing his cause. In the circumstances, I do not want to exercise discretion in this case under Article 226 and 227 of the Constitution of India. Accordingly, I pass the following order:

The Writ Petition is **dismissed**. No order as to costs.

JUDGE

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