



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

Writ Petition (WP) No. 5311 of 2023

The State of Maharashtra, through the Deputy Conservator of Forest
Akola Forest Division, Station Road, Akola

Versus

Vasant Mangu Rathod

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

Court's or Judge's Order

Shri N.R.Patil, AGP for the petitioner/State.

CORAM : ANIL S. KILOR, J.

DATED : 28th AUGUST, 2023.

The petitioner has approached to this Court by way of present writ petition challenging the judgment and order dated 16th April, 2013 passed by the learned Industrial Court, Akola in Complaint ULP No. 118 of 2002, partly allowing the complaint filed by the respondent thereby directing the petitioner to regularise the services of the respondent on the post of Forest Workman.

2. The impugned judgment and order was passed on 16th April, 2013, whereas the present petition came to be filed on 27th June, 2023 i.e. after more than 10 years. No explanation has been offered for such inordinate delay.

3. Moreover, on merit the paragraph 15 of the impugned judgment and order observes thus:

15. At the very outset, it is to be noted that the respondent has failed to lead the evidence, failed to depose their contentions on oath and further failed to produce positive evidence in support of their contentions. On the other hand, the seniority list Exh.16 supports the contentions of the complainant and disclosed that the complainant is working since October, 1982. The respondent has not much disputed the receipt of the bonus by the complainant in the year 1990-91. The document at Sr. No.4 filed along with list Exh.U-8, disclosed the grant of bonus to the workers for the year 1990-91, who have continuously worked for 240 days in the year and further disclosed the name of the complainant at Sr.No.7 in the list as attached. As already discussed, the respondent is not disputing the fact that the complainant is working as a daily wage employee and only claimed that the complainant has not worked continuously for 240 days in the year 1990-91. The respondent has failed to lead the evidence, failed to produce rebuttal evidence. In that case, the evidence produced by the complainant is required to be accepted and thus sufficient to hold that the complainant has worked continuously.”

4. In the circumstances, on merit as well as on the point of delay and laches , I do not find any merit in the present writ petition. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]