

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

WRIT PETITION NO. 157 OF 2020

Baban Rambhau Raut

Age : 46 Years, Agriculture Labour,
Agriculture Office at Taluka Phulrop
Vatika Prashetra, Malegaon,
R/o Mungla, Tq. Malegaon, Dist.
Washim

...Petitioner

// VERSUS //

1. District Superintendent Agriculture
Officer, Agriculture Office, Akola,
Near Murtizapur Naka, Akola
2. Horticulture Officer,
Taluka Phalrop Vatika Prakshetra,
Malegaon, Tq. Malegaon,
Dist. Washim

... Respondents

Shri P.N.Varma, Advocate for the petitioner.

Ms. H.N.Jaipurkar, AGP for the respondent no.3/State.

CORAM : ANIL S. KILOR, J.

DATED : 1st MARCH, 2023.

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith heard finally by
consent of the parties.

2. In this writ petition, the challenge is raised to the order dated
31st January, 2018, thereby rejecting the application for restoration of
complaint ULP No. 183 of 2000.

3. Shri Varma, learned counsel for the petitioner submits that because there was a delay in filing the application of restoration, the application for condonation of delay was filed and the same was allowed vide order dated 26th October, 2016. It is submitted that despite the delay was condoned, the application for restoration was rejected on the ground that it was moved after a period of 30 days. It is therefore submitted that the order is erroneous.

4. On the other hand, Ms. Jaipurkar, learned Assistant Government Pleader for the respondent supports the order and submits that the Court has rightly refused to restore the ULP complaint considering the fact that the application for restoration was filed beyond 30 days. Accordingly, she prays for dismissal of the present writ petition.

5. After going through the record, it is evident that Industrial Court had condoned the delay vide order dated 26th October, 2016, and in absence of any challenge raised to it, it has attained finality and therefore, the Industrial Court while entertaining the application for restoration cannot go back and consider the issue of limitation once again.

6. The Industrial Court while rejecting the application for restoration, has observed thus :

“Apart from above legal position, I find that the Applicant has not demonstrated sufficient reasons for restoration of the Revision. Applicant have not stated the date of exact knowledge of dismissal of complaint. Certified copy appears to have been received by the Applicant on 15th January, 2016. However the Restoration

Application with the delay condonation Application is filed on 27th January, 2016. As such also the Application cannot be entertained.”

7. Thus, from the above observations, it is clear that on erroneous ground the application came to be rejected. Moreover, no discussion is made while recording the conclusion that sufficient reasons are not demonstrated by the petitioner for restoration of the revision.

8. Thus, I am of the opinion that the impugned order needs to be quashed and set aside. Accordingly, I pass the following order.

i. Writ petition is allowed;

ii. The order dated 31st January, 2018, passed by Industrial Court, Akola in Misc. ULP (Restoration) No. 2 of 2016, is hereby quashed and set aside and the application for restoration is allowed.

[ANIL S. KILOR, J.]

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