



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**928 WRIT PETITION NO. 11092 OF 2024**

**THE DIVISIONAL CONTROLLER MAHARASHTRA  
STATE ROAD TRANSPORT CORPORATION**

**VERSUS**

**SURESH SADASHIV TAYADE**

...

Advocate for the petitioner : Mr.Amol S. Mali h/f.  
Adv.D.S.Bagul

...

**CORAM : ARUN R. PEDNEKER, J.**

**DATE : 08.10.2024**

**P.C. :**

1] By the present petition, the petitioner is challenging the order dated 11.01.2024 passed by the Industrial Court, Jalgaon whereby the Industrial Court has allowed the application for condonation of delay.

2] The learned counsel for the petitioner submits that the delay is not properly explained. The learned counsel further submits that the complainant has availed two remedies, namely, the complainant has preferred First Appeal before the First Appellate Court, so also, the complainant has preferred Second Appeal before the Second Appellate Authority. The learned counsel further submits that the Second Appeal preferred by the

complainant before the Second Appellate Authority is still pending. Therefore, the impugned order passed by the Industrial Court is erroneous.

3] The Industrial Court has held that while deciding the application for condonation of delay the merits of the complaint and past service record of the applicant need not be considered. However, the issue as regards whether the complaint is maintainable after preferring the Appeal is not to be decided at preliminary stage.

4] As regards delay is concerned, the delay of 1217 days is condoned by the Industrial Court by applying the ratio laid by this Court and liberal view has to be taken in case of employee in filing the application under MRTU & PULP Act, so also, it is required to be noted that the effect of stoppage of increment is recurring. As such, this Court would not interfere with the condonation of delay. In view of the same, the present Writ Petition is dismissed.

**[ARUN R. PEDNEKER]**  
**JUDGE**

DDC