



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

WRIT PETITION NO. 1131 OF 2022

Shriram Nanasaheb Waghmare
VERSUS
General (zonal) Manager And Another

Mr. A. C. Deshpande, Advocate for petitioner
Mr. Y. R. Marlapalle, Advocate for respondent No.1

CORAM : R. M. JOSHI, J.

DATE : 10th DECEMBER, 2024

PER COURT :-

1. This petition takes exception to order dated 24.08.2021 passed in delay application (ULP) No. 11/2018 whereby the learned Industrial Court has refused to condone delay of 19 months and 20 days for filing complaint.

2. The proceedings are sought to be filed before the Industrial Court by filing complaint under Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short "the Act"). The period of limitation for filing such complaints is 90 days from the occurrence of such unfair labour practice. However, petitioner approached learned Industrial Court belatedly i.e., after 19 months 20 days. It is his contention that he has approached the employer however was not responded positively and this has resulted into causing delay.

3. Learned counsel for the petitioner submits that having regard to the nature of proceeding, the learned Industrial Court was required to condone the delay. He, on instructions, makes statement that if the delay is condoned, he will not claim benefit if succeeds in the complaint till date.

4. Learned counsel for the respondent submits that condition for condonation of delay is to show reasonable cause which is lacking herein and hence it is not fit case to cause interference in impugned order.

5. No doubt, the present petitioner when approaches the Court belatedly, he is required to prove/substantiate the reason for delay. However, the said proof would not be strict as in case of a civil proceeding. The Court cannot ignore that the labour laws are welfare legislation and it tilts in favour of weaker section i.e., workmen. In any case, there is some explanation provided in the application for condonation of delay. It would be harsh to reject the application of condonation of delay. No prejudice much less irreparable loss will cause to the respondent if delay is condoned. In any case, voluntary statement made on behalf of the petitioner of non claiming any benefit even if the complaint is allowed till date, takes care of the grievance of the respondent.

6. In view of the above, petition stands allowed. Impugned order set aside. Delay application No. (ULP) 11/2018 stands allowed.

7. It is clarified that the petitioner shall not be entitled for any benefit/relief till date of registration of complaint.

(R. M. JOSHI, J.)

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