

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5291 OF 2019

Mallikarjun Sidram Morade
V/S

....Petitioner

The Liquidator,
Solapur District Central Co-operative Bank Ltd.

....Respondent

Mr. Prasad B. Kulkarni a/w Ms. Raghvendra B. Kulkarni *for the Petitioners.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 11 JULY 2024.**

P.C.:

1 The challenge in the Petition is to the order dated 20 August 2018 passed by Industrial Court, Solapur, rejecting the application filed by the Petitioner seeking condonation of delay in filing Appeal under section 84 of the Bombay Industrial Relations Act, 1946 (**the Act**) against the order passed by the Labour Court, Solapur on 31 August 2004.

2 It appears that the Petitioner filed application B.I.R. No.3 of 1993 in the First Labour Court, Solapur challenging order dated 6 July 1993 withholding the yearly increment as well as order dated 12 July 1993 reverting. The Labour Court partly allowed the application by setting aside order dated 6 July 1993 but the prayer with regard to the reversion order dated 12 July 1993 was not granted by order dated 31 August 2004.

3 Though an Appeal under section 84 of the Act was maintainable against the order of the Labour Court dated 31 August 2004. Petitioner was advised to file Revision Application which was not maintainable. The Revision Application was accordingly rejected on 25 November 2009. The Petitioner approached this Court by filing Writ Petition No.8151 of 2010 which was withdrawn by him on 30 July 2013 with liberty to file Appeal before the Industrial Court. Since there was delay in filing the Appeal, Application for condonation of delay was filed. The said application was rejected by the impugned order dated 20 August 2018.

4 Perusal of the application for condonation of delay filed by the Petitioner would show that the delay was not properly explained therein. True it is that this Court had granted liberty to the Petitioner to file Appeal by order dated 30 July 2013. However it was for the Petitioner to properly explain the delay of 9 long years in filing the Appeal by raising proper pleadings. While permitting withdrawal of the Writ Petition on 30 July 2013, this Court did not direct that the time spent in prosecuting the said Petition was required to be condoned.

5 It must also be borne in mind that by now period of 31 long years has elapsed since the Petitioner filed his application before the Labour Court. His Application has already been partly allowed and his pursuing the proceedings only with regard to his grievance about order dated 12 July 1993. Considering the long pendency of litigation, I am of the view that a full-stop needs to be

given to the entire litigation rather than permitting the Petitioner to pursue his appeal by condoning the delay at such a belated stage. In my view, therefore, no interference is warranted in the order passed by the Industrial Court, Solapur. Writ Petition is accordingly **rejected**.

(SANDEEP V. MARNE, J.)

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