

Nikita

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

WRIT PETITION NO.2020 OF 2022

Santosh Sudhakar Pawar

... Petitioner

V/s.

Urban Nagar Parishad, Uran, Dist,
Raigad and Anr.

... Respondents

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Mr. Rohit D. Joshi for the Petitioner.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 1, 2024

P.C.:

1. Challenge in this petition is to the order dated 20th June 2018 passed by Industrial Court Thane in Miscellaneous Application (ULP) No.8 of 2011 rejecting the petitioner's application for issuance of recovery certificate under Section of 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short 'the Act') on the ground of unexplained delay.

2. The petitioner filed a complaint (ULP) No.230 of 1995 alleging unfair labour practices under items 5, 6 and 9 of the scheduled IV of the Act and benefits of permanency. The Industrial Court allowed the complaint directing grant of permanency and the consequential benefits.

3. For enforcement of such award, passed on 22nd March 1996, the petitioner filed application for issuance of recovery certificate in the year 2011.
4. Section 50 of the said Act requires such application to be filed within one year from the date on which the money becomes to the employee from the employer. However, on furnishing sufficient cause, the Court is conferred with power to condone the delay in filing the application.
5. The sufficient cause pleaded by the petitioner to explain delay of 15 years in filing recovery application was filing of various representations and pendency of other proceedings.
6. Filing of the representation or pendency of other proceedings cannot be termed as sufficient cause for condoning the delay of 15 years. Therefore, the Industrial Court has rightly rejected the application.
7. However, it is made clear that except the monetary benefits covered under Section 50 of the Act, if the petitioner is entitled in law for enforcement of other benefits of the award, he may pursue the said remedy.
8. With this clarification, the writ petition stands disposed of. No costs.

(AMIT BORKAR, J.)