IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3068 OF 2024

Shri Ganesh Anandrao Koli **... Petitioner**

Versus

Superintendent of Engneer MSED Company **... Respondent**

Mr. Kuldeep U. Nikam *for the Petitioner.*

CORAM : SANDEEP V. MARNE, J.

DATE : 2 DECEMBER 2024.

P.C. :

1) The Petition challenges Judgment and Order dated 31 October 2015 passed by Industrial Court, Sangli dismissing Revision Application (ULP) No. 9 of 2014 filed by the Petitioner challenging the Judgment and Order dated 8 May 2012 passed by the Labour Court, Sangli dismissing Complaint (ULP) No. 18 of 2011.

2) I have heard Mr. Nikam, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.

3) The Petitioner is terminated from service on 7 February 2011. He questioned the termination order by filing Complaint (ULP)

MANE SONALI DILIP Digitally signed by MANE SONALI DILIP Date: 2024.12.06 10:12:14 +0530

No. 18 of 2011, which came to be dismissed by Labour Court, Sangli on 8 May 2012. The Petitioner thereafter unsuccessfully tested the order of the Labour Court before the Industrial Court by filing Revision Application (ULP) No. 9 of 2014, which also came to be rejected by Judgment and Order dated 31 October 2015. The present Petition is filed after delay of almost nine long years. The only justification that Mr. Nikam gives in respect of inordinate delay in filing the present Petition is the correspondence made by the Petitioner to the authorities of the Respondent-Employer from 12 August 2016. He would submit that the Petitioner was advised to file first Appeal before the Superintendent of Engineer, which he did on 12 August 2016 and that thereafter the Petitioner remained in continuous correspondence with the Respondent-Authorities. In my view, once the Petitioner initiated litigation by instituting Complaint (ULP) No. 18 of 2011 and having been unsuccessful in his litigation sojourn before the Labour Court and the Industrial Court, there was no question of turning around and filing departmental Appeals. Once the grievance of the Petitioner was examined and determined by the Labour Court and the Industrial Court, the Petitioner could not have filed departmental Appeals and waited for their decisions. Therefore, filing of departmental Appeals cannot be a reason for condoning inordinate delay of nine long years in filing the present Petition. The Petition thus clearly suffers from the vice of delay as well as laches. This Court is therefore not inclined to entertain the Petition. The Writ Petition is accordingly **rejected**.

[SANDEEP V. MARNE, J.]