

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.9699 OF 2024****Vishnu Soma Jadhav****....Petitioner****V/s.****Government Printing Press and
Stationery through the Manager,
Tarabai Park, Kolhapur and Ors.****....Respondents**

Mr. Nitesh V. Bhutekar with Mr. Aniket Nangare for the Petitioner.

CORAM : SANDEEP V. MARNE, J.**Dated : 12 July 2024.****P.C. :**

1) Challenge in the present Petition is to the order dated 8 February 2024 passed by the learned Member, Industrial Court No.1, Kolhapur, dismissing the application for condonation of delay in filing the complaint.

2) I have heard Mr. Bhutekar, the learned counsel appearing for the Petitioner and considered the submissions canvassed by him and gone through the documents filed alongwith the Petition.

3) It appears that Petitioner has grivance with regard to fixation of his seniority on the post of Reader. Though he is appointed as a Reader on 1

January 2004 apparently he did not pass the departmental examination within the prescribed time and therefore by Memorandum dated 22 May 2015 he was informed that he would be placed at the bottom of seniority list. Petitioner challenged the said decision by filing Complaint (ULP) No.138 of 2015 before the Industrial Court, Kolhapur. In the Complaint he raised twin grievances viz. non-release of his increment from 1 January 2009 and for setting aside Memorandum dated 22 May 2015. During pendency of the Complaint it appears that a reference was made by the Manager of the Printing Press to the Director, Government Printing Press and Stationery, Mumbai, with regard to the contention raised by the Petitioner about non-requirement of passing of departmental examination qua direct recruitment/appointment on the post of the Reader. Directorate gave clarification dated 6 November 2018 rejecting the contention of the Petitioner and holding that in the Recruitment Rules for the post of Reader, passing of departmental examination is mandatory. It was further stated that since Petitioner did not pass departmental examination within prescribed time, his seniority would not be protected. The Directorate however clarified that so far as stoppage of increment is concerned, there is no rule, which provides for stoppage of the increment. Accordingly, Manager of the Printing Press was directed to release the increment. After receipt of clarification dated 6 November 2018, complaint (ULP)No.138 fo 2015 was compromised before the Industrial Court in Lok Adalat where Petitioner accepted only part relief of release of increments. Thus, so far as his grievance with regard to seniority is concerned, no relief was granted to the Petitioner when the complaint was compromised. It clearly appears that Petitioner agreed for compromise only after noticing contents of the claratification dated 6 November 2018.

Therefore, Petitioner cannot now be heard to say that he was under impression that both his grievances with regard to stoppage of increment as well as restoration of seniority were to be released as a result of the compromise.

4) In my view therefore, seniority of the Petitioner got crystalised with issuance of Memorandum dated 22 May 2015. On account of compromise of Complaint (ULP) No.138 of 2015 the position was cemented on 8 December 2018. Petitioner knew very well that seniority would not be restored to him from the date of his appointment as Reader after compromise of the complaint on 8 December 2018. Therefore, he could not have filed a fresh complaint challenging 2019 seniority list. The contention of the Petitioner that he was unaware about seniority position in the list of 2019 or that he was under impression that his seniority grievance has also been redressed as a result of compromise, are totally baseless and cannot be accepted. The Complaint sought to be filed by the Petitioner is thus, grossly barred by the limitation and the Industrial Court, Kolhapur has rightly refused to condone the delay in respect of the grievances, which were settled in 2015 itself. No error can be traced in the impugned order passed by the Industrial Court, Kolhapur. Writ Petition is rejected.

[SANDEEP V. MARNE, J.]