



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2350 OF 2024

(PRADIP RAMKRISHNA AWAZE...VS.. MAHARASHTRA STATE ROAD TRANSPORT CORPN.
NAGPUR)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.A.Nerkar, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : APRIL 18, 2024.

1. Heard.
2. The rejection of application for condonation of delay in filing the complaint before the Industrial Court, raising the challenge to the order dated 31/01/2018, imposing punishment of withholding two increments permanently, is under challenge in this writ petition.
3. The petitioner, while moving the application for condonation of delay cited the following reasons for delay:

“i) After receipt of punishment order, Complainant was in dilemma about whether to prefer departmental appeal or to challenge it before the Court. However, this dilemma continued for quite a long time.

ii) The complainant was suffering from financial crisis. The corona crisis and subsequent State Level Strike of S.T. employees have also added to the financial agony of the Complainant.”
4. The learned Industrial Court while dealing with the said reasons has made following observations:

“06. The first reason quoted by the applicant is that he was in dilemma whether to challenge the order dated 31/01/2018 before the departmental authorities or before the Court. Said dilemma according to him continued for quite a longer period. This on its face appears to be a made up cause. It is absolutely difficult to believe that the applicant even after having suffered the order would be in dilemma for almost 5 years only to decide on the forum to challenge the said order. This is also clear from the fact that he conveniently avoided to clarify when and how that dilemma was over. It is also not clear under what circumstances and when he decided to move the Court and give up availing the other remedy. For want of such details and the delay being inordinate this first reason is neither convincing nor is well founded.

07. The second reason he gave is that he was under financial crises, thereafter there was corona outbreak and then there was the strike of the S.T. employees added to his financial agony and, therefore, he could not file the complaint within time. This reason too appears purely opportunistic than realistic and has no substance. This is for the reason that the applicant remained in the employment right from the date of passing of the order till filing of the complaint. It is not his case that he was not getting any salary throughout that period. Therefore, it is difficult to accept his claim that he was under any financial crises. The corona outbreak surfaced much later that is more than 2 years after passing of the order in question. The strike by the S.T. employees was also over long before filing of the complaint. The applicant has been quite vague in stating that he had financial

crises and did not take any pain to explain how the crises was over only around the time of filing of the complaint. Thus, sans the material in support his claim of financial crises is not acceptable.

08. The applicant appears to be very casual in the entire matter. Even he has claimed in this application that the application with complaint was filed on 03/03/2023. In fact, said application has been filed in Court on 06/03/2023 and not on 03/03/2023. This also is sufficient to show that the applicant was not at all keen in pursuing his remedy here either. He consciously slept over his right for too long a period which certainly belies his claim of being diligent in knocking the doors of the Court. Rather, he seems to be just taking a chance. The Courts would always be lenient in condoning delay and extending latitude to a bona fide litigant and but for sure not to one who is rather guilty of laches and negligence. Exactly the same is the case with the applicant here. He has failed to justify the delay by giving sufficient and convincing reasons. The reasons he put forth do not constitute cause sufficient to condone the delay. ...”

5. After going through the reasons recorded in the impugned order, I do not find any perversity or error committed by the Industrial Court. Accordingly, the Writ Petition is **dismissed**. No order as to costs.

JUDGE