



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

WRIT PETITION NO. 5820/2023

Devidas Pundlik Narad .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5807/2023

Vilas Vidyadhar Bansod .Vs. Chief Engineer, MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5812/2023

Vinod Anandrao Kale .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5826/2023

Mahadeo Babulal Shahu .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5822/2023

Ashish Bhimrao Gajbhiye .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5819/2023

Rakesh Shrawan Tibole .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5818/2023

Ramesh Rewaram Tembhre.Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur & Ors.

AND

WRIT PETITION NO. 5816/2023

Ashwin Radheshyam Chauhan.Vs.Chief Engineer,36MW MAHAGENCO,Nagpur & Ors

AND

WRIT PETITION NO. 5817/2023

Arvind Madanlal Sonwane .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur & Ors.

AND

WRIT PETITION NO. 5821/2023

Shivprasad Raju Nage .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5814/2023

Dhyaneshwar Manikrao Meshram.Vs.Chief Engineer, 36 MW MAHAGENCO, Nagpur
and Ors.

AND

WRIT PETITION NO. 5815/2023

Keshav Kewalram Fasate .Vs.Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5813/2023

Akash Damodhar Korde.Vs.Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5808/2023

Alkesh Jagdish Akhre .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5810/2023

Vishwanath madhukar Chavan .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur & Ors.

AND

WRIT PETITION NO. 5809/2023

Anil Haribhau Jalte .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5811/2023

Mangesh R. Gone .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5824/2023

Ishwar Domaji Wahane .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5825/2023

Shivsagar Shambhudayal Gupta. Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

AND

WRIT PETITION NO. 5823/2023

Raju Bapurao Shendre .Vs. Chief Engineer, 36 MW MAHAGENCO, Nagpur and Ors.

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

Court's or Judge's orders

Mr. S. R. Chakravarti, Advocate for petitioners
Mr. R. E. Moharir, Advocate for respondent no.1.
Mr. A. J. Pathak, Advocate for respondent no.2.
Mr. R. N. Sen, Advocate for respondent no.3.
Mr. A. J. Gohokar, A.G.P. for respondent no.4.

CORAM : ANIL L. PANSARE, J.

DATE : 01.07.2024

This Court, vide order dated 03.05.2023, was pleased to permit the petitioners (security guards) employed by the respondent no.3 to approach the Assistant Commissioner – respondent no.4 and to file application seeking condonation of delay under Sub Section (2) of Section 20 of the Minimum Wages Act, 1948.

This order was passed and the claim made by the petitioners seeking payment of minimum wages for the period from 14.06.2012 to 31.12.2014 was rejected by the respondent no.4 on the ground that it was not filed within six months.

The petitioners, under the liberty granted by this Court to approach Assistant Commissioner, filed an application seeking condonation of delay. The petitioners, however, sought to condone of delay of only six months and, accordingly, the Assistant Commissioner – respondent no.4 has allowed the application, may be by assigning incorrect reasons.

The petitioners have come up before this Court, aggrieved by the decision of the Assistant Commissioner condoning six months delay. The counsel for the petitioners, however, could not point out that the petitioners have even sought to condone the delay to entertain their claim for the months from June, 2012 onward. Thus, the petitioners themselves failed to seek appropriate relief before the Assistant Commissioner and, therefore, no fault could attributed to the Assistant Commissioner.

At this stage, learned counsel for the petitioners makes a request to grant yet another opportunity to the petitioners to approach the Assistant Commissioner to file appropriate application, to which the counsel for the respondent no.3 strongly opposed on the ground that the respondent no.3 cannot be made to suffer for repeated lapses committed by the petitioners or their counsel.

I do find substance in the submissions made by the respondent no.3. If the prayer as sought is to be entertained, there will be no end to the litigation. Despite getting

opportunity, the petitioners chose to seek condonation of six months delay. The aspect of negligence at the hands of the petitioners and/or the counsel appearing for the petitioners cannot be ignored light heartedly. I am, therefore, not inclined to grant relief as sought. The petitions are accordingly dismissed.

The parties shall appear before the authority on 16.07.2024 and render assistance for assessment of their claim for six months.

(Anil L. Pansare, J.)

Kahale