



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

Writ Petition (WP) No. 1596 of 2021

Ashok S/o Vishwanath Shende

Versus

Abhay Agrawal, Proprietor Gaurau Papers Mills Limited, Nagpur and
another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D.A.Sonwane, appointed Advocate for the
petitioner.

Shri D.M.Kakani, Advocate for the respondent no.1.

CORAM : ANIL S. KILOR, J.

DATED : 24th JANUARY, 2024.

Heard.

2. The petitioner was dismissed from service on 26th December, 1997. The same was the subject matter of challenge in Complaint ULP No. 18 of 1998 before the learned Labour Court, Chandrapur, which was allowed and thereby respondent was directed to reinstate the petitioner with continuity of service and backwages from 26th December, 1997 till reinstatement vide judgment and order dated 11th October, 2004.

3. The said judgment and order was assailed before the learned Industrial Court, Chandrapur in Revision (ULP) No. 88 of 2004 which was allowed and thereby the judgment and order passed by the Labour

Court dated 11th October, 2004 was set aside. The said judgment dated 5th April, 2005 passed by the Industrial Court is under challenge in this writ petition which was filed on 7th November, 2017 i.e. after the period of 12 years without assigning any reason for delay and laches in the body of petition.

4. It is pertinent to note that, the office objections were removed on 1st April, 2021 i.e. after more than four and half years and in the meantime in the year 2015, the factory was closed down.

5. Now, the age of the petitioner is more than 62 years which means that even the petitioner has attained the age of superannuation, as the age of superannuation is 60 years.

6. As there is a delay and laches in filing the writ petition which has not been explained by the petitioner and further the petition came to be filed after closure of the factory, it is apparent that the petitioner is not diligent in pursuing his rights and claims. Accordingly, I am not inclined to entertain this writ petition. Hence, the writ petition is dismissed.

7. The fees of Shri D.A.Sonwane, appointed Advocate be quantified as per the rule.

[ANIL S. KILOR, J.]