



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2418 OF 2024

Ashok s/o Sambhaji Kasbe,
Age : 52 years, Occ. : Nil
R/o New Hanuman Nagar,
Galli No. 3, Garkheda Parisar,
Aurangabad, Dist. Aurangabad.

...PETITIONER

...VERSUS...

M/s. Bajaj Auto Ltd.
Waluj MIDC Area,
Bajaj Nagar, Aurangabad
Through its General Manager.

...RESPONDENT

Mr. S. B. Bhosle, Advocate a/w. Mr. Y. L. Bidve, Advocate for the
Petitioner

Mr. Y. R. Marlapalle, Advocate for Respondent Sole

CORAM : ROHIT W. JOSHI, J.
DATE : JULY 16, 2025

ORAL JUDGMENT:

1. The petitioner was an employee of the respondent, who was appointed in service on 06.07.1988. His services were terminated vide order dated 06.06.1995 with effect from 08.06.1995. The petitioner claims that bonus of Rs. 5496/- for period of one year from April 1994 to March 1995 and Rs. 1485/- for 3 months of April 1995 to June 1995 is not paid to him. The total amount outstanding according to him is Rs. 6981/-.

2. The petitioner had made some applications to the respondent seeking recovery of the aforesaid amount of bonus,

allegedly payable to him somewhere on 30.08.2012 and the correspondence in this regard, was made by him till 01.11.2012. Thereafter, he approached the Government Labour Officer, Aurangabad with respect to his demand pursuant to which a notice dated 06.10.2012 was issued by the Government Labour Officer to the respondent/employer. The Government Labour Officer has issued communication dated 22.03.2013 to the petitioner informing that conciliation between the parties was not possible and therefore, he should approach the Competent Court for redressal of his grievance. In this backdrop, the petitioner filed a proceeding under Section 33C (2) of the Industrial Disputes Act, 1947, before the Labour Court, Aurangabad. This proceeding is filed on 27.03.2018. The learned Labour Court-II, Aurangabad has rejected the application vide judgment dated 23.11.2022.

3. The learned Labour Court has observed that the petitioner had admitted his signature on a letter dated 26.11.1995, which is on record at 'Exhibit C-12' according to which he had received cheque of Rs. 6981/- towards payment of bonus. The learned counsel for the petitioner states that perusal of the said letter, will indicate that the cheque number is also not mentioned in the said letter and therefore, the learned Labour Court has erred in accepting the contention that the letter dated 26.11.1995 is an acknowledgment of having received amount of bonus as mentioned in the said letter. He states that amount of bonus is not received by the petitioner.

4. As is apparent from the documents filed on record by the petitioner, the services of the petitioner came to be terminated in June 1995. The petitioner issued application pertaining to non-payment of bonus for the first time in the month of August 2012. The conciliation failed in March 2013, thereafter he approached Labour Court by filing proceeding under Section 33C (2) of the Industrial Disputes Act on 27.03.2018. There is a delay of around 23 years from the date of termination and around 5 years from the date of failure of conciliation. The demand is raised in the year 2012 for the first time after a period of 17 years. Perusal of the entire record demonstrates no explanation for such delay. Apart from this, the finding recorded by the petitioner as regards acknowledgment of receipt of bonus, cannot be said to be perverse.

5. In that view of the matter, the petition is devoid of any substance and is **dismissed** with no order as to costs.

6. Pending civil applications, if any, stand **disposed of**.

[ROHIT W. JOSHI, J.]