



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 WRIT PETITION NO. 3974 OF 2024

The Vice Chancelloer Vasantao Naik Marathwada Krashi Vidyapeeth
Parbhani And Another

VERSUS

Santabai Mugaji Avhad

...

WITH

CIVIL APPLICATION NO. 3797 OF 2024 IN WP/3974/2024

The Vice Chancelloer Vasantao Naik Marathwada Krashi Vidyapeeth
Parbhani And Another

VERSUS

Santabai Mugaji Avhad

...

Mr. Kausalye S. P., Advocate for the Petitioners/Appellants
Mr. Vijay Parag, Advocate for R/Sole

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CORAM : ROHIT W. JOSHI, J.

DATED : 25th JULY 2025

ORAL JUDGMENT :-

1. This petition arises out of order passed by the learned Industrial Court rejecting the application for condonation of delay filed by the petitioner in preferring appeal under Section 7(7) of the Payment of Gratuity Act, 1972.

2. It is undisputed that the delay is more than 120 days. In view of Section 7(7) of the Payment of Gratuity Act, 1972 the outer limit for

condonation of delay is 120 days.

3. It is well settled that when statute prescribes an outer limit for condonation of delay, delay beyond the said period cannot be condoned. Apart from this, the only explanation offered by the petitioner is that vide notification dated 16.04.2019 the Competent Authority and Appellate Authority which were earlier Labour Court and Industrial Court respectfully were altered and the same were notified as Assistant Labour Commissioner and Labour Commissioner respectively. It is not the case of the petitioners that in view of the notification, appeal was filed before any wrong forum therefore the explanation also does not merit consideration for delay of inordinate period of over two years in preferring appeal.

4. In that view of the matter, the order passed by the learned Industrial Court does not call for any interference.

5. Writ petition is dismissed.

6. Civil Application stands disposed of accordingly.

[ROHIT W. JOSHI, J.]