



Suzana

IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.493 OF 2025

KRITESH NAIK GAUNKAR

... PETITIONER

Versus

**THE COMMISSIONER LABOUR AND
EMPLOYMENT THR THE COMMISSIONER
FOR EMPLOYEES COMPENSATION AND 2
ORS**

... RESPONDENTS

Mr. Athnain Naik, Advocate for the Petitioner.

Mr. Geetesh Shetye, Additional Government Advocate for
Respondent No.2.

Mr Shivraj Gaonkar, Advocate with Ms S. Veluskar, Advocate for
Respondent No.3.

Mr Amay Phadte, Advocate for Respondent No.4.

CORAM:- VALMIKI MENEZES, J.

DATED :- 12th December, 2025

ORAL ORDER:

1. Registry to waive office objections and register the matter.
2. Heard.

3. The preliminary objection raised by the Respondent No.3 to the effect that the Petition is not maintainable since the impugned Order, which is passed under the Employees Compensation Act provides for appeal under Section 30 on a substantial question of law and on the appeal memo being accompanied by a Certificate by the Commissioner that the Appellant has deposited the amount payable under the Order that he seeks to appeal.

4. Learned Advocate for the Petitioner submits that the main ground that he presses in this Petition is that the Petitioner was never served with the initial notice of the case filed for compensation and since there was no hearing at all afforded to him, the impugned Order has been passed contrary to the principles of natural justice.

5. This position is disputed on fact by the Respondent No.3, who claims that the Petitioner was in fact served through the office of the Deputy Labour Commissioner, Margao and an endorsement to that effect has been recorded in the proceeding sheet.

6. On perusing the impugned Order, there is a specific finding given by the Commission at paragraph 6 that the Petitioner has been served through the office of the Deputy Labour Commissioner, Margao and a report to that effect has been filed. On further perusal of the proceeding sheet, there appears to be an entry at page 57 of the memo of the Petition, though slightly illegible to the effect that the

Petitioner, who is the Respondent No.1, in the case before the Commissioner, has been served through the Office of the Deputy Labour Commissioner. Ascertaining whether the plea raised by the Petitioner that he was never served would also be a matter that can be agitated appropriately in an appeal and on examining the record of the Commissioner, by the Appellate Court.

7. For all the aforementioned reasons, I do not find that this is a fit case to exercise supervisory jurisdiction under Article 227 of the Constitution of India and deem it appropriate that the Petitioner should be relegated to his remedy under Section 30 of filing an appeal. I take further note of the fact that the impugned Order, having been passed on 04.07.2025, would also mean that the appeal of the Petitioner would otherwise have been barred by limitation, which is 60 days under the Act.

8. Considering that the Petitioner would have to make a case for condonation of delay and some rights have accrued in favour of the Respondent No.3 under the provisions of limitation, it would be appropriate that the present Petition not be entertained and the Petitioner be relegated to an appeal. The Petition is therefore rejected on the sole ground of there being an alternate remedy under Section 30 of the Act. If such an appeal is filed with an application for condonation of delay, none of the observations which may be made in this Petition are purely to ascertain whether the Petition ought to have

been entertained, may be considered by the Appellate Authority whilst deciding either the application for condonation of delay or the appeal.

VALMIKI MENEZES, J.