

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1163 OF 2025

Dipak Baliram Ravrane

.. Petitioner

Versus

The Executive Engineer Irrigation Project

.. Respondent

-
- Mr.Sandeep Koregave, Advocate for Petitioner.
 - Mr. S.D. Rayrikar, AGP for Respondent – State.
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CORAM : MILIND N. JADHAV, J.

DATE : JULY 14, 2025

P. C.:

1. Heard Mr. Koregave, learned Advocate for Petitioner and Mr. Rayrikar, learned AGP for Respondent – State.

2. At the outset Mr. Rayrikar, learned AGP makes a grievance that there is a delay in filing present Writ Petition inasmuch as the impugned judgment and order is dated 08.09.2017 passed by the Industrial Court No.1, Maharashtra, at Kolhapur in Revision (ULP) No.108 of 2016. He would however fairly submit that insofar as the delay in filing is concerned in paragraph No.9 the Petitioner has given certain reasons for consideration of the Court.

3. Mr. Koregave, learned Advocate for Petitioner would persuade the Court to consider the impugned order and draws Court's attention to the order dated 23.09.2022 passed by this Court (Coram:

M.S. Karnik, J.) in four identical Writ Petitions namely Writ Petition No.11000/2018 alongwith companion Writ Petitions in the case of ***Shri Bhagwan Tanaji Sawant Vs. The Executive Engineer, Irrigation Project, Ratnagiri***. Perusal of said order *prima facie* shows that Petitioners therein were working alongwith the present Petitioner with the Executive Engineer, Irrigation Project, Ratnagiri and were also dismissed from service. There is no dispute about the fact that Petitioner before me served the services of the Executive Engineer, Irrigation Project, Ratnagiri from 1979 to 1991 and it is only in the year 1995 that his services were terminated. Complaints filed by similarly placed workmen before the Labour Court, Ratnagiri were determined after a hiatus of 10 years sometime in the year 2005. Revision Application was filed by the Irrigation Department in the year 2007 wherein there was a remission and rehearing of the complaints afresh before the Labour Court. Labour Court thereafter ruled against the workmen and upheld their dismissal order. The Workmen thereafter filed Revision before the Industrial Court in the year 2016 alongwith Application for condonation of delay. Revision Application was decided solely on the ground of delay and dismissed and not on merits of the case. In that view of the same rejection order of revision due to delay is the subject matter of the Writ Petition before me. After going through the record of the case and considering the issue of delay

and after referring to the decision of the Supreme Court, this Court opined that Courts have power to mould the relief on case to case basis in any matter which will advance the cause of justice even in a case where delay is shown to be existing. In that view of the matter, this Court by virtue of the aforesaid order (dated 23.09.2022) condoned the delay and directed the Revision Court to hear the matter on its own merits and in accordance with law.

4. On having considered the judgment of this Court placed on record, I am also inclined to follow the same and not take any divergent view especially in view of the reasons which are given by the Petitioner in paragraph No.9 of the Petition. Hence on both counts firstly delay in filing the Petition I am inclined to condone the delay. That apart the delay of four years in approaching the Revision Court because of which the impugned order has been passed appended at page No.84 is also condoned and the order dated 08.09.2017 passed by the Industrial Court No.1 is quashed and set aside. This Court directs hearing of the Revision Application (ULP) No.108/2016 in case of the present Petitioner afresh by the Industrial Court No.1, Maharashtra at Kolhapur in view of the above.

5. Considering the aforesaid timeline and in order to ameliorate the ignominy of the Petitioner before me I direct the Industrial Court No.1, Maharashtra at Kolhapur to hear and decide the

Revision Application (ULP) No.108/2016 as expeditiously as possible and in any event within a period of 4 months from today.

6. Petitioner / Advocate for Petitioner is directed to place a copy of this order before the Industrial Court No.1, Maharashtra at Kolhapur on 17th July, 2025 at 11:00 am. The concerned Member, Industrial Court is directed to take cognizance of this order and accordingly fix the matter for direction and hearing.

7. This Court appreciates the stand adopted by Mr.Rayrikar, learned AGP while arguing the present case.

8. Writ Petition is allowed and disposed in the above terms.

[MILIND N. JADHAV, J.]