

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 1580 OF 2025

Satish Vitthal Nikhar

... Petitioner

Versus

Eaton India and Anr

... Respondents

Mr. Satish Vitthal Nikhar *Petitioner in person.*

Mr. Kiran S. Bapat, Sr. Advocate a/w Mr. T.R. Yadav for Respondent No.2.

CORAM : SANDEEP V. MARNE, J.

DATE : 5 FEBRUARY 2025.

P.C. :

1) The Petition challenges order dated 1 October 2022 passed by the Member Industrial Court, Pune, rejecting Revision Application (ULP) No. 19 of 2022 filed by the Petitioner and confirming the order dated 28 March 2022 passed by the Judge Labour Court, Pune. By order dated 28 March 2022 the Labour Court has refused to condone the delay in filing complaint of unfair labour practice. Petitioner was terminated from service by order dated 3 March 2014. He instituted Special Civil Suit No. 869 of 2019 in the Court of Civil Judge, Senior Division, Pune questioning his termination. The Plaint in the suit came to be returned under provisions of Order 7 Rule 11 of the Code of Civil Procedure by order dated 9 January 2020. Thereafter, the Petitioner approached Labour Court, Pune by filing complaint of unfair labour practice. Since there

was delay in filing the said complaint, he filed application for condonation of delay, which has been rejected by Labour Court and rejection of the said application is confirmed by the Industrial Court.

2) I have heard Petitioner in person, who also appears to be a law graduate. I have also heard Mr. Bapat, the learned senior advocate appearing for Respondent No.2.

3) The only reason pleaded in the application for condonation of delay was invocation of wrong forum of Civil Court for challenging the termination letter dated 3 March 2014. However, mere exercise of wrong remedy before a wrong forum would not cover the entire period of delay in the present case. The suit was filed in the year 2019 and there is absolutely no justification in the application to explain the period between 2014 and 2019. Petitioner has not placed on record copy of application filed for condonation of delay. The Petitioner however submits that he was undergoing depression and trauma during 2014 to 2019 and was prevented from adopting legal proceedings in respect of the termination letter. Upon being queried as to whether any pleadings were raised relating to treatment for depression and trauma during 2014 to 2019, the Petitioner admits that no such pleadings were incorporated in the application for condonation of delay. He would however invite my attention to a detailed affidavit of evidence filed before the Labour Court on 14 June 2021. Perusal of the said affidavit would indicate that alleged treatment undergone from depression and trauma was once again not stated in the said affidavit. In my view, therefore, there is absolutely no explanation in respect of inordinate delay from 2014 to 2019. Having not pleaded and produced any material in support of his alleged sickness during 2014 to 2019 before the

Labour Court, Petitioner cannot be now be permitted to direct raise a plea of his sickness before this Court.

4) I am therefore unable to trace any patent error in the orders passed in the Labour and Industrial Courts. Writ Petition is devoid of merits and the same is accordingly **rejected**.

[SANDEEP V. MARNE, J.]