



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.8593 OF 2022

Shankar s/o Rajaram Mohature,
Aged 37 years, Occ: Nil,
R/o Paradi Post Mohagaon Devi,
Tah. Mohadi, Dist. Bhandara.

...PETITIONER

..V E R S U S..

1. Project Officer,
Soil and Water Management,
Panlot Project, Wainganga Nagar,
Ajni, Nagpur.
2. Sub Divisional Engineer,
Pench Irrigation Sub Division, Kandri Jam,
Tahsil Mohadi, Dist. Bhandara.

...RESPONDENTS

Shri S.R. Deshpande, Advocate for petitioner.
Ms A.S. Athalye, Advocate for respondent no.2.

CORAM:- M.W. CHANDWANI, J.

DATE :- 02.12.2025

ORAL JUDGMENT:

. **Rule.** Rule made returnable forthwith. Heard finally
with the consent of the parties.

2. The petition challenges the impugned order dated
13.02.2017 passed by the Industrial Court, Bhandara in Revision
ULP No.142 of 2013 whereby, the order dated 05.08.2013 passed
by the Labour Court, Bhandara condoning the delay in filing the
complaint by the petitioner was set aside.

3. It is common ground that a batch of complaints was

filed before the Labour Court after a delay of roughly around 11 years. The Labour Court, Bhandara condoned the delay in filing the said batch of complaints. The complaint filed by the petitioner was one of them. The respondents filed revision application before the Industrial Court, Bhandara against the orders passed by Labour Court condoning the delay which was allowed. Against the order of the Industrial Court, Bhandara allowing the revision, many complainants approached before this Court. This Court, by allowing the writ petitions, set aside the order passed by the Industrial Court, Bhandara. However, the present petitioner did not approach this Court earlier and after a considerable delay, the present writ petition has been filed on the same grounds.

4. The fact that the present petitioner was one of the complainants in the batch of complaints is not disputed. Regardless of the fact that the present petitioner did not file a writ petition, the present petition is covered by the judgment passed by this Court in Writ Petition No.3169 of 2017 as well as Writ Petition No.2747 of 2018 and connected matters. The only question that remains is the delay in approaching this Court.

5. Considering the fact that the petitioner is a labourer and the explanation given by him that the order of the Industrial

Court was not communicated to him, coupled with the fact that all other petitioners in Writ Petition No.2747 of 2018 alongwith connected matters are similarly situated at par with the present petitioner, the delay in approaching this Court will not dis-entitle him from getting the same benefits, which are mentioned in para 6 of the judgment dated 26.02.2019 passed in the aforesaid Writ Petition, which is reproduced as under:

“6. Following the above quoted judgment of this Court, the present writ petitions are allowed on the same terms and accordingly the impugned orders are set aside. The Labour Court shall now proceed to decide the complaints filed by the petitioners in accordance with law. However, if the termination of their services is ultimately held to be illegal or contrary to law, the petitioners (workmen) shall not be entitled to monetary benefits from the date of termination of their services till the date of institution of the complaint under section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.”

6. Accordingly, the writ petition is allowed. The impugned order dated 13.02.2017 passed by the Industrial Court, Bhandara in Revision ULP No.142 of 2013 is set aside.

Rule is made absolute in the abovesaid terms. No order as to costs.

JUDGE

Wagh