

EXH.No. : O – .

Presented on : 22.02.2018.
Registered on : 22.02.2018.
Decided on : 23.07.2018.
Duration : 00 Y 05 M 01 Ds.

IN THE INDUSTRIAL COURT, MAHARASHTRA,
BENCH AT : JALNA.

(PRESIDED OVER BY SAMIR S. KANTHALE, MEMBER)

Miscellaneous (ULP) Delay No. 01 of 2018.
(CNR No. : MHIC210000632018)

Karbhari s/o Namdeo Palve, }
Age : 59 years, Ocu. : Nil, }
R/o. At Post Vasundhara Nagar, }
Near Maratha High School, }
New Mondha Road, Jalna, }
Tq. & Dist. Jalna. }

.....Applicant.

Versus

1. Maharashtra State Road Transport }
Corporation, Jalna Division, }
Through it's }
Divisional Traffic Superintendent, }
At Post Tq. & Dist. Jalna. }
2. Maharashtra State Road Transport }
Corporation, Jalna Division, }
Through it's }
Divisional Controller, }
At Post Tq. & Dist. Jalna. }

.....Non-applicants.

In the matter of condonation of delay.

APPEARANCES: Shri. S.K. Deshmukh, Advocate for Applicant.

Smt. M.B. Ambekar, Advocate for Non-applicant.

ORDER BELOW EXH. U-1.
(Delivered on 23.07.2018)

1. Perused the application for condonation of delay and reply of the non-applicant thereon. Heard rival sides.
2. It is stated by the applicant that, against the order of punishment imposed by non-applicant – employer, he preferred departmental first appeal. It was, however, dismissed. He, therefore, preferred second departmental appeal, which too was dismissed on 27.12.2017. Upon dismissal of second appeal before the department, he has filed the present complaint on 22.02.2018. Thus, in doing so, the delay of 11 months and 23 days has been caused in filing the complaint. It is submitted by the complainant that, the delay was not intentional, but occurred due to the time consumed in preferring departmental appeals.

3. The non-applicants opposed the request of condonation of delay stating that, the delay has been intentional and not bonafide, and thus urged to reject the delay condonation application.

4. On considering the rival submissions and the documents placed on record, it is seen that, the complainant had preferred first appeal and second appeal before the employer / department against the impugned order of punishment. Section 28 provides limitation of 90 days for filing complaint. However, proviso to the same empowers the court to entertain the complaint after a period of 90 days, if sufficient cause for delay is shown.

5. In the present case, it is not disputed that, the complainant preferred departmental appeals and after rejection of the same, he approached the court. I believe that, this is a sufficient cause to condone the delay, as the same is not arbitrary and malafide, and sufficiently explained. Hence, I pass following order :-

ORDER

(A) The delay of 11 months and 23 days caused in preferring the complaint is hereby condoned.

(B) The complaint be registered and taken up for hearing.

Place : Jalna.

Dated : 23.07.2018.

Sd/-
(Samir S. Kanthale)
MEMBER
INDUSTRIAL COURT, JALNA.

Argued on : 23.07.2018.

Judgment dictated on : 23.07.2018.

Judgment transcribed on : 23.07.2018.

Judgment checked & signed on : 23.07.2018.