

Filed on : 06-01-2018
Registered on : 06-01-2018
Decided on : 06-04-2018
Period : 00Y04M00D
Exhibit No. : O-3

BEFORE THE INDUSTRIAL COURT, BENCH AT YEOTMAL

MIS.APPLICATION (ULP) NO.1 OF 2018

CNR No.MHIC290000072018

Raghunath Ganpatrao Shegar,
Aged Major, Occ-Service,
R/o Bhandari Jahagir,
PO.Chikhali, Tah.Arni,
District Yavatmal.

... **APPLICANT**

V E R S U S

1) Divisional Controller,
Maharashtra State Road
Transport Corporation,
Yavatmal, Distt. Yavatmal.

2) General Manager/
Second Appellate Authority,
State Transport, Mumbai.

3) Second Appellate Committee/
Regional Manager,
State Transport, Amravati.

... **NON-APPLICANTS**

**IN THE MATTER OF APPLICATION FOR
CONDONATION OF DELAY IN FILING COMPLAINT**

Coram : G.G.Hulsure,
Member.

Appearances : Shri Y.G.Shaikh, Advocate, for applicant.
Shri U.K.Pande, Advocate for non-applicants.

J U D G M E N T

(Passed on 6th April, 2018)

Above said application is filed for condonation of delay in filing complaint.

2] Brief facts to file the said application are that the applicant has filed complaint before this Court on 6-1-2018 alongwith this application challenging order dated 25-10-2016 of Second Appellate Authority confirming punishment order dated 15-7-1994. It is submitted that he filed dispute for claiming provident fund amount and the same is pending. He was suffering from T.B. and Kidney disease and taking treatment. So also for want of money and some material documents such as his service book, etc, he could not file complaint within time. For above said reasons delay of about 11 month 24 days is caused to file complaint. Therefore, he prayed to condone said delay.

3] Respondents by filing their reply at Exh.C-5 opposed the contents of application and prayer of applicant. It is submitted that the reasons shown in application are false. He had knowledge about the impugned order but he deliberately not filed complaint within limitation. Therefore, the said application is liable to be dismissed.

4] On rival contentions of the parties, following points arise for determination and I record findings thereon for the reasons given below.

POINTS**FINDINGS**

- | | | |
|---|-----|---------------------|
| 1) Whether applicant has made out
good reason to condone the delay ? | ... | Yes |
| 2) What order ? | ... | As per final order. |

REASONS

5] Heard learned Advocates for both the parties. The applicant has challenged order dated 25-10-2016 of Second Appellate Authority confirming punishment order dated 15-7-1994 issued by non-applicants. It clears from submissions of learned Advocates of both the parties that Second Appellate Authority decided the appeal exparte on 25-10-2016 after remanding the same by Hon'ble High Court. The applicant received said impugned order on 8-11-2016. Prior to that the applicant was terminated from services by declaring him medically unfit from 20-11-2016. Applicant is facing financial crises due to his health problem. Therefore, delay is caused to file complaint. It is well settled principles of law that in labour matters for doing substantial justice, delay if any, is to be condoned liberally. In the discussed facts of the case, the reasons given by the complainant for condonation of delay are sufficient and good. Hence, said delay deserves to be condoned. Accordingly by answering the point in affirmative, I proceed to pass the following order.

ORDER

- 1) Above said Misc. Application (ULP) No.1 of 2018
is hereby allowed.

2) The delay caused to file complaint is hereby
condoned.

3) Office is directed to register the complaint
by giving regular number.

Y E O T M A L

Dated the, 6th April, 2018.

Sd/-
(G.G.Hulsure)
Member,
Industrial Court, Yeotmal.

Argued on : 06-04-2018
Judgment dictated on : 06-04-2018
Judgment transcribed on : 06-04-2018
Judgment checked & signed on : 06-04-2018