Filed on : 08/02/2018.
Registered on : 08/02/2018.
Decided on : 08/04/2019.
Duration : 1 Year 2 Months.

IN THE COURT OF THE JUDGE, LABOUR CORT, GONDIA.
(Presided over by : A. A. Khan)

MISC. APPLICATION (ULP) No. 1/2018.
(CNR No : MHLC35-000004-2018) **Exh.O-3.**

APPLICANT : **Virendra Kanhaiyalal Warkade,**
Aged about 43 years, Occu. Labour,
R/o Fulchur Peth, Gondia,
Tah. & Distt. Gondia.

Versus

NON-APPLICANTS : **1) The State of Maharashtra,**
Deptt. of Higher and Technical Education,
Through its Secretary,
Mantralaya Extension Building,
Mumbai – 400 032.

2) The Director,
Directorate of Technical Education,
Maharashtra State, 3, Mahapalika Marg,
Post Box No. 1967, Mumbai – 400 001.

3) The Joint Director,
Technical Education Directorate,
Regional office, Sadar, Nagpur.

4) The Principal,
Government Polytechnic College,
Fulchur Peth, Goregaon Road, Gondia,
Distt. Gondia.

APPEARANCES : **Adv. Arti Bhagat for the applicant.**
Adv. V.K.Jadhav for Non-applicants.

ORDER BELOW EXH.U-1
(Delivered on 08/04/2019)

Perused the application and say. Heard both the sides.

2. The points arise for determination, with my findings to them for the reasons stated thereunder are :

POINTS.	**FINDINGS**.
1) Whether the applicant proves sufficient cause for not filing the Complaint within limitation ?	**Yes.**
2) What order ?	**As per final order**.

REASONS

As to Points No.(1) & (2) :

3. On 31.12.2014, the applicant usually went to attend the duty in the library of non-applicants. The In-charge of library told him at the instance of the non-applicant No.4 that they have kept someone else in his place. The applicant requested for reinstatement by giving letters to concerned department but it was not fruitful. On 7.8.2017, the applicant had moved application under the Right to Information Act but he was not provided the information. The applicant is a poor person, does not know the technicalities of law, was waiting for justice from concern department but all in vain. There is delay of 2 years, 9 months and 1 day. The applicant has good case on merits. The delay may be condoned. The non-applicants have strongly opposed the application submitting that the application is devoid of merits. There is inordinate delay. The applicant has not given satisfactory explanation for causing the delay.

4. In support of his application, the applicant has examined himself by filing his evidence affidavit Exh.U-8 which is replica of his application. In his cross examination,. he has denied that he has deliberately filed the application for condonation of delay.

5. Admittedly, the delay is inordinate. However, it cannot be lost sight of the fact that the applicant is a poor person. He was working as a peon. After his termination on 31.12.2014, he made correspondence with the non-applicants for reinstatement and every time he was assured. Lastly, with no alternative, he approached this Court by filing this application. A person who was working as peon and was getting meager salary, on termination of his service, lost the only source of income and waited for fulfillment of assurance given by the non-applicants, it cannot be expected from him that he knows the technicalities of law and he would have immediately filed the proceeding within time. If technical approach is adopted, then the grievance of poor workman/applicant would remain unattended. Therefore, I hold that the applicant has satisfactorily established the reason for causing the delay and it requires to be condoned on certain costs. Accordingly, following order is passed.

Order

1. Application is allowed subject to payment of costs of Rs.2,750/- by the applicant to the non-applicants within 15 days from the date of this order.
2. Accordingly, the delay in filing the complaint is condoned.
3. On payment of costs, the complaint appended to this application be registered as regular complaint as per rules.

4. Failure to comply the order in stipulated time shall render it non est.

(A. A. Khan),
Judge,
Labour Court, Gondia.

PLACE : GONDIA.
DATE : 08/04/2019.

Argued on :	08.04.2019.
Judgment dictated on :	08.04.2019.
Judgment transcribed on :	08.04.2019.
Judgment checked & signed on :	08.04.2019.