1. Misc. ULP 1/2018 Order below Exh.U-1.

Filed on	13/07/2018.		
Registered on	13/07/2018.		
Decided on	03/12/2018.		
Duration :	Years	Months	Days
	-	04	20

IN THE COURT OF JUDGE, LABOUR COURT, BHANDARA.

MISC. APPLICATION (ULP) No. 1/2018.

(CNR No : MHLC36-000037-2018)

Naresh Shivaji Patil

Versus

Managing Director,
Bhandara District Milk Producers
Co-Operative Federation,
Bhandara.

ORDER BELOW EXH. U-1
(Passed on 03/12/2018)

1. This is an application for condonation of delay in filing the complaint under Section 28 of the M.R.T.U. & P.U.L.P. Act, 1971. Respondent has filed reply at Exhibit No. C-3. Heard Shri Bhoyar learned counsel for non-applicant. Perused contents of application and the evidence of applicant's witness. Non-applicant has not adduced evidence.

2. Under Section 28 (1) of the MRTU & PULP Act, it is established that the complaint has to be filed within the period of ninety days from the date of cause of action. The applicant was terminated from service on 20.07.2016. The applicant has filed the complaint on 13.07.2018 alongwith this application for condonation of delay. There is delay of 1 year, 11 months and 23 days. It is observed from the evidence of applicant's witness that, the non-applicant has orally terminated his services on 20.07.2016. Due to the termination of service, the applicant lost his job and was not able to earn his bread. He was suffering from financial crisis and therefore, he was not able to contact with lawyer and to file the complaint before this Court. It appears that the non-applicant has disputed this fact. The non-applicant submitted that poverty of any person cannot be considered to be an excuse for condonation of delay.

3. Its indeed that poverty of any person cannot be an excuse for not approaching the Court within time. But, when any person is terminated from service, he looses his employment as well as the earning source. He suffers from the financial crisis for some period till he gets any alternate job. Till he gets the job, he is under the financial crisis. Therefore, I think that the applicant would not have approached the counsel for want of funds and for filing the complaint within the limitation period. Therefore, I think that there is sufficient cause which prevented the applicant from filing the complaint within the period of limitation and hence, the reason assigned by the applicant for condonation of delay appears to be genuine. With this, I conclude that, there was sufficient cause which

prevented the applicant from filing the complaint within the limitation period. Hence, the application deserves to be allowed.

4. Hence, the application is allowed. The delay of 1 year, 11 months and 23 days in filing the complaint is hereby condoned. The complaint shall be registered as regular complaint. The applicant to pay requisite court fee. The case papers of this application shall be annexed to the complaint.

(U.N. Patil)
Judge,
Labour Court, Bhandara.

Place : Bhandara.
Date: 03/12/2018

Argued on	:	03/12/2018.
Order dictated on	:	03/12/2018.
Order transcribed on	:	03/12/2018.
Order checked & signed on	:	03/12/2018.