

MHIC340000762020 	Presented on	:	09.12.2020
	Registered on	:	09.12.2020
	Decided on	:	19.06.2026
	Duration	:	Y M D
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IN THE COURT OF MEMBER INDUSTRIAL COURT, CHANDRAPUR
(Presided Over by Ravikant T. Sakhare)

Misc. (ULP) No. 06/2020
Order Exh. O/01

Applicants : Pandurang Marotrao Tonge
Age- 58 years, Occu- Service.
R/o. Near Shubham Mangal
Karyalaya, Naginabag
Tah. & Distt : Chandrapur.

V E R S U S

Respondents : 1] Maharashtra State Road
Transport Corporation,
Chandrapur Division, Chandrapur,
Through its Divisional Controller.

2] The Divisional Traffic Superintendent(DFL),
Maharashtra State Road Transport
Corporation, Chandrapur.

Advocates Appeared

Shri V. M. Shikare
Shri U. V. Deshpande

Representative for Applicant.
Advocate for Non-applicants.

CLAIM- Application for Condonation of Delay.

O R D E R

(Passed on this 19th Day of June, 2026)

1) This is an application seeking condonation of delay of 06 months and 08 days in filing complaint under section 28(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair

Labour Practices Act, 1971.

2) At outset, case of the applicant is that impugned punishment order was passed by the respondent corporation against him on 26.04.2018, whereby one annual increments with cumulative effect was withheld. The applicant has submitted his application dated 03.01.2019 to respondent No. 02 for grant of copy of impugned punishment order. The applicant has approached the respondent corporation on several occasions for copy of impugned punishment order and finally it was received on 03.03.2020. The applicant has further submitted that due to Covid-19 and frequent lock-down from March-2020 and advice from his union officials, he could not file case within 90 days. It has caused delay of 06 months and 08 days in filing the complaint. On these grounds, the applicant has prayed for condonation of delay.

3) Application is resisted on behalf of the respondent Corporation through say Exh. C-03 mainly on a ground that it is not tenable in the eyes of law as well as on facts. Grounds submitted by the applicant are false. On these grounds, the respondent corporation has prayed for rejection of the application.

4) Points for determination which arose before me for consideration are reproduced below along with my findings thereon and respective reasoning thereto;

No	Points For Determination	Findings
1)	Does the applicant had good and sufficient cause for not preferring complaint within a period of limitation?	Yes.
2)	Is the applicant entitled for condonation of delay, as prayed for?	Yes.
3)	What order?	Application is allowed as per final order.

(Ravikant T. Sakhare)
Member, Industrial Court, Chandrapur.

REASONING**5) AS TO POINTS NO.01 TO 03 :-**

Heard both the parties and perused the record.

6) The applicants in order to substantiate his claim has examined himself vide Exh. U-05 and opted not to lead further witness by filing evidence close pursis Exh. U-08. The respondent has not examined any witness and closed its evidence vide pursis Exh. C-05.

7) The applicant through his affidavit filed in lieu of examination in chief Exh. U-05 reiterated his allegations that due to Covid-19 and frequent lock-down from March-2020 and on advice from his union officials, he could not file case within 90 days. He further deposed that delay in preferring the complaint occasioned as copy of order was not supplied to him. In his cross examination nothing substance has been brought to discard allegations of applicant that copy of impugned order was not served upon the applicant and it was supplied only on 03.03.2020. Mere denial on part of the applicant will not suffice to discard this testimony. It is matter of record that in beginning of the year 2020, due to Covid-19 pandemic, there were frequent lock-down in entire nation. Consequently, in my opinion, the applicant was having good and sufficient cause for not preferring the complaint within statutory period. **With these reasoning, I answer Point No.01 in the Affirmative.**

8) In view of my findings on point No.01, as applicant was having good and sufficient cause for not preferring the complaint within a period of limitation, therefore, delay caused in filing the complaint is entitled to be condoned, but the applicant is liable to be saddled with costs for delay caused. **With these reasoning, I answer point No.02 in the Affirmative.**

9) In view of my findings on points No. 02, as the applicant is entitled for condonation of delay caused in filling complaint, consequently, present application is entitled to be allowed. With these reasoning, **in an answer to point No.03**, I pass following order;

ORDER

01.	The application for condonation of delay is allowed.
02.	Delay of 06 month and 08 days in preferring the complaint by the applicant is hereby condoned vide proviso to section 28(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, subject to cost of Rs. 500/- (Rs. Five Hundred Only) to be paid to the respondents for delay caused within one month from the date of this order. In the event of non compliance of order as to costs, present application be deemed as rejected.
03.	On payment of cost by the applicant, Assistant Registrar of this court is directed to accept the complaint annexed with this application for condonation of delay and register it as regular Comp. (ULP) on scrutiny and verification as per rules.
04	Parties to bear their own cost in the present application.

Date: 19.06.2026

(Ravikant T. Sakhare)
Member,
Industrial Court, Chandrapur

Argued on	:	10.06.2026
Dictated on	:	19.06.2026
Pronounced on	:	19.06.2026
Transcribed on	:	19.06.2026
Checked and signed on	:	19.06.2026
Transcribed by	:	Shri. K. C. Durge, steno.

(Ravikant T. Sakhare)
Member, Industrial Court, Chandrapur.

Stenographer