

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.15078 OF 2019

BHARAT TOTARAM GAIKWAD
VERSUS
SUPERINTENDING ENGINEER MAHARASHTRA JEEVAN PRADHIKARAN

...
Advocate for the Petitioner : Shri Patil Sandesh R.

...
CORAM: RAVINDRA V. GHUGE, J.

DATE :- 16th December, 2019

Per Court:

1 The petitioner, original second party workman in Reference (IDA) No.13/2012, is aggrieved by the order dated 11.12.2018 passed by the Labour Court vide which, Miscellaneous Reference (IDA) No.1/2015 has been allowed and the award dated 22.06.2015 in the reference proceeding, has been set aside and the reference proceeding has been restored.

2 Grievance of the petitioner is that the award dated 22.06.2015 was published on 08.07.2015 and the miscellaneous application was filed by the respondent on 28.08.2015, which is after 30 days of the publication of the award. The Labour Court, therefore, had become functus officio.

3 The learned advocate for the petitioner concedes that the

learned advocates appearing before the Labour Court have not properly assisted the Court. The law laid down by this Court, in the matter of *Dnyaneshwar Anantrao Kulkarni vs. The Superintendent Engineer, Public Works Division and others, 2016 (6) ALL MR 35*, was not cited before the Labour Court.

4 Issue notice to the respondent returnable on 14.02.2020. Until then, the impugned order dated 11.12.2018 shall stand stayed and Reference (IDA) No.13/2012, which has now been restored, shall be adjourned.

5 A copy of the petition paper book for issuance of notice shall be supplied on or before 20.12.2019, failing which, this petition shall stand dismissed without reference to the Court on 21.12.2019.

kps

(RAVINDRA V. GHUGE, J.)