

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. OF 2013
(Arising out of C.C. No.13031 of 2013)

MUNICIPAL COMMISSIONER, VADODARA MUNICIPAL CORPORATION	PETITIONER(S)	
VERSUS	RESPONDENT(S)	
JAGDISH DAHYABHAI PATEL			

O R D E R

Delay condoned.

Counsel for the petitioner has submitted that the respondent-workman raised the dispute after an unusual delay of eight years of the cause of action.

However, the petitioner has not given the details as on what date the respondent-workman had filed an application for initiation of reference. If the respondent-workman had filed the application seeking initiation of reference well within time and the matter was kept in cold storage by the authorities, this delay cannot be attributed to the workman so as to deny him the benefits of similarly situated persons. Since, the petitioner-Corporation has failed to disclose this fact, we do not deem it appropriate to take the alleged delay into account which is attributed to the respondent-workman in regard to initiation of the reference.

Besides this, the petitioner is only claiming parity with other similarly situated persons which have been allowed by the High Court.

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Under the circumstance, we see no reason to entertain this special leave petition.

However, if there are other cases for which the petitioner-Corporation will have to bear the liability, it will obviously be decided on its own facts and merits.

The special leave petition is, thus, dismissed.

.....J.
(GYAN SUDHA MISRA)

.....J.
(KURIAN JOSEPH)

NEW DELHI,
JULY 22, 2013.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2013
CC 13031/2013

(From the judgement and order dated 04/10/2012 in SCA No.6555/2011,LPA
No.1244/2012 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

MUNICIPAL COM., VADODARA MUNICIPAL CORP. Petitioner(s)

VERSUS

JAGDISH DAHYABHAI PATEL Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 22/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Purvish Jitendra Malkan,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.
The special leave petition is dismissed in terms of the
signed order.

|(Neetu Khajuria)

|(S.S.R. Krishna)

|
|Sr.P.A.

|Court Master

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(Signed order is placed on the file.)