

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 72/2008 and CM No.2351/2008

% Date of Decision: 15th February, 2008

JAI PAL SINGH Appellant
Through: Mr. Ankit Jain, Advocate

versus

D.D.A. Respondent
Through

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE REVA KHETRAPAL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether judgment should be reported in Digest?

JUDGMENT

% **15.02.2008**

: **DR. MUKUNDAKAM SHARMA, CJ. (ORAL)**

1. This appeal is directed against the judgment and order dated 07.12.2007 passed by the learned Single Judge dismissing the writ petition of the appellant on the ground of inordinate delay and laches.
2. On the basis of a dispute raised by the appellant, the Secretary (Labour), Delhi Administration referred the dispute in the following terms:

"Whether the workmen as shown in "Annexure A" are

entitled to be regularised and if so to what relief are they entitled and what directions are necessary in this respect?"

3. After receipt of the aforesaid reference, the Industrial Tribunal allowed the parties to file their pleadings. The learned Industrial Adjudicator after completing the proceedings disposed of the reference by passing an award on 10.09.2003. In the said award, the Industrial Tribunal held that the workmen are not entitled for regularisation as they were appointed on contractual period for a period of six months from 01.11.1990. It was also held that thereafter their services were not continued although there was an order passed by the High Court for maintenance of status quo. The said order also ultimately came to be vacated on 02.03.1993. In the light of the aforesaid observations and findings recorded by the learned Industrial Adjudicator, the reference was answered against the workmen and in favour of the respondent. The workmen did not challenge the said award immediately.

4. The writ petition came to be filed before the learned Single Judge in the year 2007 after a gap of four years. The stand taken in the writ petition is that the appellant did not file the present writ petition and did not challenge the award dated 10th September, 2003 under a misconception as he has filed a writ petition as against the order passed by the Industrial Adjudicator in the application filed under Section 33 of the Industrial Disputes Act. Undoubtedly, both the proceedings are distinct and separate proceedings. The present proceeding arises out of the reference

proceedings made by the appropriate Government. Despite pendency of the aforesaid proceeding, it was possible to initiate present writ proceeding, particularly when he himself got the reference proceeding initiated. It was necessary for the appellant to diligently take steps if he was in any manner aggrieved by the aforesaid award dated 10th September, 2003. The writ petition is filed after a lapse of four years and without giving any appropriate explanation. There is no whisper in the writ petition as to why the appellant did not file the said writ petition immediately after the award was passed on 10th September, 2003.

5. In that view of the matter, we find no error in the judgment passed by the learned Single Judge. The appeal has no merits and LPA 72/2008 and CM No.2351/2008 are accordingly dismissed.

CHIEF JUSTICE

REVA KHETRAPAL, J

FEBRUARY 15, 2008
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