

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C.) No. 4811/2002**
% **Date of Decision: 23rd OCTOBER, 2009**
SHRI RAJ SINGH (THROUGH LRS) PETITIONER
! Through: Mr. Anuj Aggarwal, Advocate.
VERSUS
\$ M.C.D. AND ANOTHER RESPONDENTS
^ Through: Ms. Saroj Bidawat, Advocate

CORAM:
Hon'ble MR. JUSTICE S.N. AGGARWAL

1. Whether reporters of Local paper may be allowed to see the judgment? **NO**
2. To be referred to the reporter or not? **NO**
3. Whether the judgment should be reported in the Digest? **NO**

S.N.AGGARWAL, J (ORAL)

The workman in this writ petition has challenged an industrial award dated 22.11.1999 in I.D. No. 324/92 awarding him Rs.2000/- as compensation for illegal termination of his services by the management of the respondent. The workman is stated to have expired during the pendency of the present writ petition on 16.04.2008. After his death, he is represented by his widow and three children in the present petition. The amended memo of parties is at page 44 of the Paper Book.

2. The deceased workman was employed as a daily wager with the respondent. He was initially appointed for six months w.e.f. 09.08.1990 and was thereafter granted one extension for another six months vide document Ex.WW-1/5 dated 07.02.1991. This extended period of six months was to expire on 06.08.1991. However, his services were dispensed with by the respondent management before expiry of the extended term w.e.f. 01.06.1991. Had the workman continued in the

employment of the respondent in terms of extension order Ex.WW-1/5, his extended term would have come to an end on 06.08.1991. His last drawn wages were Rs.915/-. The Court below has taken into account all these facts and has awarded a compensation of Rs.2000/- in favour of the deceased workman on account of pre-mature dispensation of his services.

3. The impugned award against the deceased workman was passed by the Labour Court on 22.11.1999. However, he has filed the present writ petition seeking to challenge the said award after about three years on 03.08.2002. There is no explanation much less a cogent or convincing explanation to explain the delay in filing of the present petition. This petition is, therefore, liable to be dismissed on account of delay and laches. Even otherwise, the deceased workman has no case on merits as well. His entry into the service of the respondent was a back door entry without following the procedure for regular recruitment as envisaged in Article 14 and 16 of the Constitution of India.

4. Furthermore, the appointment of the deceased workman with the respondent Corporation was for a specified period and was to come to an end automatically with efflux of time on 06.08.1991. An appointment for a specific period is excluded from the purview of definition of 'retrenchment' given in Section 2(oo)(bb) of the Industrial Disputes Act, 1947.

In view of the foregoing, I do not find any merit in this writ petition which fails and is hereby dismissed.

**OCTOBER 23, 2009,
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S.N.AGGARWAL, J