

* IN THE HIGH COURT OF DELHI AT NEW DELHI

WP (C) No.7900/2010 & C.M. No.20400/2010

Date of Decision: November 25, 2010

JANAM SINGH Petitioner
through Mr. G.S.Charya, Advocate

versus

DELHI TRANSPORT CORPORATION Respondent
through Ms. Latika Choudhury, Advocate
for Ms. Avnish Ahlawat, Advocate

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers 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

REKHA SHARMA, J. (ORAL)

This writ-petition has been preferred against orders of the Labour Court dated July 25, 2006 and August 19, 2006. The first order holds that the inquiry conducted by the Management against the petitioner-workman was fair and proper and as per the second, removal of the petitioner-workman by the Management has been found to be in order.

It is not disputed that the petitioner was given notice informing him that the inquiry against him was going to be conducted on June 20, 1994. It is also not disputed that he failed to appear on the

said date on ground of his illness. His grievance is that the Enquiry Officer who took up the case again for further inquiry on July 12, 1994 did not inform him about the said date. As per him, he was duty bound to do so.

The question is, whether the Enquiry Officer was under any obligation to inform the petitioner about the date of hearing which took place on July 12, 1994 or was not a duty cast upon the petitioner-workman to inquire about the next date of hearing when for reason of his illness, it was he who did not appear on June 20, 1994?

The petitioner fully well knew that a domestic inquiry was being conducted against him. It was on account of his illness that the Enquiry Officer did not take up the case on June 20, 1994. In this view of the matter, I feel, it was the duty of the petitioner to enquire about the adjourned date of hearing.

In any case, the writ-petition suffers from delay and laches. The impugned orders were passed on July 25, 2006 and August 19, 2006. The workman has chosen to challenge the same in the year 2010. No cogent explanation has been rendered as to what prevented him for four years to assail the orders in question.

There is no merit in the writ-petition or in the application for condonation of delay in filing the writ-petition. The same are dismissed.

REKHA SHARMA, J.

NOVEMBER 25, 2010
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