

Court No. - 8

Case :- WRIT - C No. - 1002683 of 2012

Petitioner :- U.P. State Sugar And Cane Development Corporation Ltd.
And Anr.

Respondent :- Jagmohan Tiwari And Anr.

Counsel for Petitioner :- Prakash Kumar Sinha

Counsel for Respondent :- C.S.C., Mamta Pandey, Saima Khan

Hon'ble Pankaj Bhatia,J.

1. Heard the counsel for the petitioner.
2. The substitution application has been filed on account of the death of the respondent no.1.
3. I have proceeded to hear the matter as the matter is very old one.
4. The award under challenge is an award under section 33-C(2) of the Industrial Disputes Act.
5. The sole submission of the counsel for the petitioner is that the application for execution of the award in favour of respondent no.1 was filed beyond the prescribed period of limitation.
6. From the entire award, it is clear that no such ground was urged or argued before the Tribunal.
7. It is well settled that the issue of limitation is a mixed question of fact and law and has to be agitated, pleaded and established, which has not been done, although the said ground has been taken in the writ petition.
8. The writ petition being in the nature of supervisory jurisdiction cannot permit the petitioner to agitate a new fact which was neither pleaded nor argued before the Tribunal, which led to the passing of the impugned award. Thus, on that question alone, no interference is called for.
9. The writ petition is ***dismissed.***

Order Date :- 14.12.2023

VNP/-