IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.1362 of 2017
Decided on : 25.09.2026

Dharam Chand ...Petitioner

Versus

The Bhakra Beas Management Board and Anr. …Respondents.

Coram

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?[1]

For the petitioner : M/s Sanjay Ranta, Arun Singla and Yogesh K. Puri, Advocates.

For the respondent(s) : Mr. Aman Sood, Advocate.

Bipin Chander Negi, Judge *(Oral)*

The petitioner in the case at hand had raised an industrial dispute before the Conciliation Officer/Deputy Chief Labour Commissioner (C), Chandigarh, *qua* alleged violations of Section 25-G, Section 25-H, and Section 25-N of the Industrial Disputes Act, 1947.

2. In pursuance thereto, conciliation proceedings had taken place. The same had failed. A report in this regard was forwarded by the Deputy Chief Labour Commissioner (C), Chandigarh, to the Ministry of Labour and Employment,

[1] *Whether the reporters of the local papers may be allowed to see the Judgment? Yes*

Government of India, New Delhi, vide letter dated April, 2016 (Annexure P-2).

3. The Ministry of Labour and Employment, Government of India, through the Section Officer, vide impugned order dated 03.03.2017(Annexure P-3) addressed to the Chairman, BBMB, the Chief Engineer, BBMB, and the petitioner, had declined to refer the dispute under Section 2-A of the Industrial Disputes Act, 1947, raised by the petitioner, for further adjudication on the ground of delay of 32 years, as there existed no justification for the delay.

4. In the case at hand, the petitioner is allegedly stated to have been engaged as a Beldar on 25.04.1969 and he worked as such till 30.03.1984, when he was discharged from service. No convincing explanation has been given by the petitioner *qua* what prevented him from questioning his discharge from employment within a reasonable time.

5. The challenge to the discharge in the case at hand has been raised after a span of about 32 years. The Industrial Disputes Act, 1947, does not prescribe any time limit for referring such disputes. However, it is well settled that a dispute, if any, ought to be raised within a reasonable period.

6. Ordinarily, the appropriate Government will not enter into the merits of the industrial dispute, for such a power is exclusively vested in the Labour Court-cum-Industrial Tribunal. From the facts and attending circumstances of the case at hand, it

can safely be inferred in the case at hand the petitioner either abandoned employment or got employed elsewhere and, therefore, had no grievance against his discharge by the respondents. In this respect, reference can gainfully be made to two Division Bench judgments passed in ***CWP No. 2769 of 2018, titled Rikhi Ram vs. The Bhakra Beas Management Board and another & CWP No. 2787 of 2018, titled Ram Chand vs. The Bhakra Beas Management Board and another, decided on 3rd December, 2018*** respectively, wherein, in similar circumstances, the order passed by the appropriate Government regarding non-reference of the dispute to the Labour Court-cum-Tribunal after a span of thirty years was not interfered with.

7. In the aforesaid factual and legal matrix, in my considered view, the impugned Annexure P-3 dated 03.03.2017, whereby the authority concerned rightly declined to refer the matter for further adjudication on the ground of delay, calls for no interference from this Court.The present petition is dismissed, being devoid of any merit, so also the pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

25th September, 2026
(Gaurav Rawat)