



CWP-22589-2026 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CWP-22589-2026(O&M)
Date of Decision: 27.07.2026**

MUKESH PRASAD

... Petitioner

VS

M/S BELCO PHARMA AND ANOTHER

... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kunal Bharati, Advocate for the petitioner.

KIRTI SINGH, J. (ORAL)

1. The instant petition has been filed under Articles 226/227 of the Constitution of India for setting aside the impugned award dated 25.10.2023 (Annexure P-1), passed by learned Industrial Tribunal-cum-Labour Court, Rohtak, whereby the claim settlement of the petitioner was dismissed.

2. The case of the petitioner before the Labour Court was that the petitioner worked with the respondent-management from 01.01.2010 till 24.03.2020. He had been illegally terminated from service during the COVID-19 lockdown, without compliance with the mandatory provisions of the Industrial Disputes Act, 1947. Aggrieved therefrom, the petitioner along with other co-workers filed a complaint before the Labour Inspector, Bahadurgarh, on 12.05.2020, wherein the management appeared and meetings were held, but no satisfactory reply was given. Thereafter on 18/22.05.2020, the petitioner filed a demand notice before the Assistant Labour Commissioner, Bahadurgarh, followed by a claim before the learned



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evidence, the Labour Court accepted the defence of the management and declined the relief claimed by the petitioner, giving rise to the present writ petition.

3. Learned counsel for the petitioner submits the services of the petitioner were illegally terminated during the COVID-19 lockdown, without compliance with the mandatory requirements of Section 25F of the Industrial Disputes Act, 1947. No notice, retrenchment compensation or opportunity of hearing was afforded prior to dispensing with his services. It is argued that the Labour Court has failed to properly appreciate the evidence on record and has erroneously accepted the management's plea of abandonment, despite there being no material to establish a voluntary intention on the part of the petitioner to sever the relationship of employment. The findings recorded are stated to be perverse, warranting interference by this Court.

4. Having heard learned counsel for the petitioner and perused the record, this Court finds no ground to interfere with the impugned award.

5. At the outset, it deserves notice that the present writ petition has been instituted after an unexplained and substantial delay from the date of the award. The petition is conspicuously silent as regards any sufficient cause for not approaching this Court within a reasonable period. Trite to say that a litigant invoking the discretionary and equitable jurisdiction under Articles 226 and 227 of the Constitution is expected to act with due diligence. In the absence of any satisfactory explanation for the delay, the petitioner cannot, as a matter of course, seek re examination of an award that

has otherwise attained finality.



6. It is well settled that although no period of limitation is prescribed for invoking the writ jurisdiction of this Court, delay and laches remain a relevant, and in appropriate cases a decisive, factor guiding the exercise of discretion under Articles 226 and 227 of the Constitution.

7. In *State of Madhya Pradesh v. Bhailal Bhai*, AIR 1964 SC 1006, the Constitution Bench held that the period ordinarily prescribed for a suit claiming similar relief furnishes a reasonable yardstick for assessing delay in a writ petition, absent a satisfactory explanation.

8. In *Karnataka Power Corporation Ltd. v. K. Thangappan*, (2006) 4 SCC 322, the Supreme Court held that the High Court may decline to invoke its extraordinary jurisdiction where there is negligence or omission on the part of the applicant to assert his right, reiterating, with reference to *State of M.P. v. Nandlal Jaiswal*, (1986) 4 SCC 566, that a writ court does not ordinarily assist the tardy, the indolent, the acquiescent or the lethargic.

9. In *Tridip Kumar Dingal v. State of West Bengal*, (2009) 1 SCC 768, it was held that inordinate delay in approaching the writ court is good ground for refusing to exercise discretionary jurisdiction, the underlying object of the principle being to discourage agitation of stale claims and exhumation of matters already settled or in which the rights of third parties have accrued.

10. In *Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu*, (2014) 4 SCC 108, it was held that a writ court, while bound to protect the rights of citizens, is equally obliged to scrutinise whether a belated lis ought to be entertained at all, since the law does not



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11. More recently, in *Mrinmoy Maity v. Chhanda Koley, 2024 INSC 314*, the Supreme Court reiterated that an applicant who approaches the writ court belatedly, having slept over his rights for a considerable period, ought not to be granted extraordinary relief, and that where delay and laches are made out, the writ petition is liable to be dismissed on that ground alone.

12. Applying the aforesaid principles to the facts of the present case, the petitioner has neither pleaded nor demonstrated any sufficient cause for the delay in assailing the award, nor has any explanation been preferred that would appeal to the conscience of this Court. The award having attained finality on account of this unexplained delay, the writ petition is liable to fail on this ground alone.

13. Even otherwise, no case for interference on merits is made out. The Labour Court recorded a categorical finding, on appreciation of the oral and documentary evidence, that the respondent-management, being engaged in the manufacture of essential goods, continued its operations during the lockdown and had repeatedly called upon the petitioner to resume duties through WhatsApp messages and telephonic communications, a fact which could not be contradicted by the petitioner before the learned Labour Court, by way of any cogent evidence. It further noticed material inconsistencies between the petitioner's pleadings and his testimony regarding the circumstances under which he allegedly failed to report for work, besides his inability to substantiate material assertions regarding his appointment and service. Another factor that weighed before the Court concerned was that the



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inspector, soon after 25.03.2020, when he was allegedly stopped from resuming his responsibilities by the officials of the management. Accordingly, on a cumulative circumspection of the facts of the case, the Labour Court concluded that the petitioner had voluntarily abandoned his employment, and that no case of illegal termination stood established.

14. In the considered opinion of this Court, the findings recorded by the Labour Court are founded on evidence. No perversity, patent illegality, jurisdictional error or violation of the principles of natural justice has been demonstrated which would warrant interference in the limited supervisory jurisdiction of this Court.

15. Needless to reiterate that this Court, while exercising powers under Articles 226 and 227 of the Constitution, does not sit in appeal over findings of fact recorded by the Labour Court and cannot re-appreciate the evidence merely because another view may also be possible.

16. For the foregoing reasons, the writ petition, being barred by delay and laches and being also devoid of merit, is dismissed.

17. Pending application(s), if any, stand disposed of.

(KIRTI SINGH)
JUDGE

27.07.2026
SwarnjitS

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No