

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3806 of 2007**

Brij Mohan Chowdhary, Daftary (sub staff), Dena Bank, Bhilai, R/o
Rajatalab, Raipur

----Petitioner

versus

1. Union of India, through the Secretary to the Government of India, Ministry of Labour and Employment, New Delhi
2. Dena Bank, Maker Tower 'E' Cuffe Parade, Mumbai – 400005
3. The General Manager, Personnel, Dena Bank, Personnel Department, 7th Floor, Maker Tower 'E' Cuffe Parade, Mumbai – 400005
4. The Assistant General Manager (Legal) and (Disciplinary Authority), Dena Bank, Personnel Department, 7th Floor, Maker Tower 'E' Cuffe Parade, Mumbai – 400005
5. The Assistant General Manager, Dena Bank, Regional Office, Rukmini Bhawan near Jairam Complex, Raipur, Chhattisgarh
6. All India Dena Bank Employees, Coordination Committee, C/o Dena Bank, 16-A, Brabourne Road, Kolkata – 700001
7. Assistant Labour Commissioner (Central) II, O/o Regional Labour Commissioner (Central) Wakefield House, Sprott Road, Ballard Estate, Mumbai

---- Respondents

For Petitioner	:	Shri Pradeep Saksena, Advocate
For Respondents No.1&7	:	Shri Narendra Kumar Vyas, Assistant Solicitor General
For Respondents No.2 to 5	:	Shri Vinod Deshmukh, Advocate

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****17/12/2015**

1. Learned Counsel for the Petitioner submits that the punishment imposed on the Petitioner has been referred under Section 10 of the Industrial Disputes Act for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur on 15.1.2010. In absence of functioning of the Labour Court, the matter is not being heard.

2. In this writ application because of the punishment imposed the Petitioner challenged Clause 9 of the Bi-Partite Agreement dated 9.4.1992 which the

Respondents have objected as being highly belated, sixteen years later. Upholding the objection the writ application is dismissed on the grounds of delay and laches.

3. The reference made under Section 10 of the Industrial Disputes Act is not the subject matter of the present writ application. It is open for the Petitioner to pursue such appropriate remedies as he may be advised if decision is being delayed. The submission that mandamus may be issued for constitution of the Tribunal being foreign to the present writ application, no such generalised order can be passed.

4. The writ application is dismissed on grounds of delay and laches.

Sd/-
(Navin Sinha)
CHIEF JUSTICE