

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

CWP No. 406 of 1998(O&M)

Date of decision : 06.05.2015

Subhash Chander

..... Petitioner

versus

**Haryana Agro Industries Corporation
Ltd. and another**

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Navin Mahajan, Advocate for the petitioner.
Mr.H.S.Gill, Sr.Advocate with
Mr. R.K.Dhiman, Advocate for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

The petitioner was working as an Assistant in the respondent-corporation. In the year 1987 the respondent-corporation went into losses and a decision was taken to retrench its employees. It was decided that out of 17 Assistants mentioned in para 4 of the petition, 6 would be retrenched. On 30.08.1988 a retrenchment notice was issued to the petitioner and he was also given the option of joining on his erstwhile post of Clerk. The petitioner accepted the same and joined on the erstwhile post of Clerk. On 26.02.1990, after a period of 1 year and 6 months the petitioner was again promoted as an Assistant and worked as such and has since retired. On 01.12.1995 after more

than 7 years of the retrenchment order he made a representation that his retrenchment was not legal since one person namely Bhagat Singh had resigned and was relieved in December, 1987 and, therefore, the petitioner was no longer a surplus Assistant and could not have been retrenched. No relief having been granted to him he has filed the present writ petition in the year 1998.

Learned counsel appearing on behalf of respondents states that apart from the merits the fact is that the petitioner accepted the option, joined against lower post, was again promoted and raised this issue for the first time after 7½ years in the year 1995. The writ petition was filed after a further period of 3 years. As per him on account of delay the petitioner is disentitled to any relief.

In my opinion this argument cannot be lightly brushed aside. Learned counsel for the petitioner is not in a position to explain why the petitioner could not raise this dispute before the order of retrenchment or shortly thereafter.

Petition is dismissed.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 06, 2015
sunita