

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 10811 of 2015
Date of decision : May 26, 2015

Dharam Pal

..... Petitioner

Versus

The State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sanjeev Sharma, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the present writ petition is to the order dated 3.5.2011 (Annexure P-3) wherein petitioner had sought a reference of a dispute viz-a-viz his colleagues who had indulged into a criminal activity.

Though, the reference of the petitioner qua his alleged termination is stated to be pending. The grievance of the petitioner is that the order dated 3.5.2011 (Annexure P-3) declining the reference is erroneous and illegal but the fact remains that the petitioner has not given explanation for approaching the Court in the year 2005 i.e. after a delay of about eight years. There is no averment in the writ petition qua the explanation of delay, therefore the present writ petition though ought to have been dismissed on the

ground of delay and laches but the fact remains that the petitioner had an independent remedy to approach the Labour Court directly by invoking the provisions of Section 2-A of the Industrial Disputes Act, 1947.

Be that as it may, the fact remains that the act of petitioner is that of whistle blower, since he had an alternative remedy by invoking Section 2-D of the Industrial Disputes Act, 1947, the order declining the reference is legal and justified and do not suffer from any illegality.

There is no merit in the writ petition, accordingly the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

May 26, 2015
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