

CWP No.22431 of 2011

[1]

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

**CWP No.22431 of 2011
Date of decision:20.03.2015**

Sh. Mangat Rai

...Petitioner

Versus

Presiding Officer, Labour Court, Amritsar and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. M.K.Bhatnagar, Advocate,
for the petitioner.

Mr. Harsh Chopra, Advocate,
for respondent no.2.

Rakesh Kumar Jain, J.

The petitioner has challenged the award of the Labour Court, Amritsar dated 31.03.2003 by way of this writ petition filed on 01.12.2011.

Counsel for the petitioner has argued that though the Court has found that the petitioner has worked continuously for a period of more than 2 years and has been removed from service without issuance of notice and payment of notice pay, yet the reference has been answered against him on the ground that he was appointed without following the due procedure. It is submitted that once the petitioner has been found to have been worked continuously for a period of more than 2 years, respondent no.2 was bound to follow the procedure provided under Section 25-F of the Industrial

CWP No.22431 of 2011

[2]

Disputes Act, 1947.

On the other hand, counsel for respondent no.2 has submitted that the present petition is not only devoid of any merit but also highly belated and deserves to be dismissed on the ground of delay and laches. In support of his submission, he has relied upon a decision of this Court in the case of **Kamruddeen v. Presiding Officer, Industrial Tribunal-cum-Labour Court, Gurgaon**, 2014 LabLR 1173.

After hearing learned counsel for the parties and perusing the available record, I am of the considered opinion that the present petition is highly belated and is, thus, suffers from delay and laches as the award of the Labour Court has been challenged after a period of 8 years without giving any explanation for the delay. In **Kamruddeen's case (supra)**, the following observations have been made by this Court:-

“8. Another aspect which is to be seen is that the present writ petition is admittedly hit by the principle of delay and laches. After a period of almost 6 years from the passing of the Award, the present writ petition has been preferred. There is no fixed period prescribed under the Limitation Act, 1963 for filing a writ petition but it is settled that the writ Court should be approached at the earliest against any award and preferably within a maximum period of 3 years. The said period expired way back in the year 2011 and not a whisper has been made in the pleadings to justify the long delay of almost 6

CWP No.22431 of 2011

[3]

years.”

In view of the aforesaid, the present writ petition is hereby
dismissed on the ground of delay and laches.

March 20, 2015
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(Rakesh Kumar Jain)
Judge