

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 2075 of 2012
Date of Decision: May 8, 2015

Parkash Chand

..... Petitioner

Versus

Presiding Officer , Industrial Tribunal, Jalandhar and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. B. D. Sharma, Advocate
for the petitioner.

Mr. Harit Sharma, Advocate
for respondent Nos. 2 and 3.

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 present writ petition has been filed against the award dated 31.10.2011 (Annexure P-8) vide which a reference has been answered against the workman-petitioner on the ground that it is hit by the doctrine of delay and laches, as much as demand notice has been raised after a period of 19 years from the date of alleged termination.

Learned counsel for the petitioner submits that the provisions of Article 137 of the Limitation Act do not apply, therefore the petitioner could not have been denied the relief on the ground of delay and laches.

Learned counsel for the Management submits that

there is no explanation in the demand notice for delay of 19 years. Had there been any explanation, it would have been a valid ground for the Labour Court to condone the delay and decide the matter.

I have heard learned counsel for the parties and perused the impugned order and paper book.

Though, the provisions of Article 137 of the Limitation Act do not apply but the fact remains that there has to be some explanation in the demand notice or reasons for not approaching the Conciliation officer within time. In the absence of any reasons, the delay of 19 years could not have been condoned by the Labour Court.

No fault can be found in the findings rendered by the Labour Court.

There is no merit in the writ petition. Accordingly the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

May 8, 2015
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