

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

I.

Civil Writ Petition No.16094 of 2015

Date of decision: 10.9.2015

Bali Singh

... Petitioner

Versus

Presiding Officer and another

... Respondents

II.

Civil Writ Petition No.16111 of 2015

Santokh Singh

... Petitioner

Versus

Presiding Officer and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Randeep Singh Waraich, Advocate, for
Mr.M.S.Rana, Advocate,
for the petitioners.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

This order will dispose of the aforesaid two writ petitions as common questions of law and fact are involved in both the petitions. The facts are taken from CWP No.16094 of 2015.

This writ petition has been filed on 4.8.2015 against the award passed by the Industrial Tribunal, Punjab, Chandigarh on 9.3.2000. The learned Industrial Tribunal declined reference No.39 of 1996 involving a large number of workmen who had approached the Court through their Union complaining against infliction of various punishment orders passed against them both major and minor, which were passed 23 years prior to the registration of the reference before the Industrial Tribunal, Punjab. Learned Presiding Officer, Industrial Tribunal, Punjab has dismissed the reference on the ground of delay and laches which are to say least enormous in this case. A challenge laid after 15 years of the passing of the award of the Tribunal in the present petition cannot be said to be within reasonable time even after keeping in view that there is no limitation prescribed for invoking jurisdiction under the Industrial Disputes Act, 1947 but yet delay has been accepted in belated approach in writ proceedings as sufficient grounds to decline a reference. This is the settled proposition in a large selection of judgments including in **Nedungadi Bank Limited v. K.P.Madhavankutty and others**; (2000) 2 SCC 455 not only on account of grossly delayed reference of the dispute by the appropriate Government but the further delay of 15 years in approaching this Court. Delay and laches is not a rule of law but a rule of practice evolved by courts in the discretionary jurisdiction provided by Article 226 of the Constitution not to allow stale claims to clog the dockets of the High Court.

Both the petitions stand dismissed on delay and laches.

(RAJIV NARAIN RAINA)
JUDGE

September 10, 2015