

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

Civil Writ Petition No.22733 of 2015

Date of decision: 21.10.2015

Sajjan Singh

... Petitioner

Versus

The Presiding Officer and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Sandeep Singal, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J. (Oral)

Mr.Singal contends that the delay alone is not sufficient to dismiss a reference and the relief can always be moulded.

In this case, the demand notice was raised after 16 years of the termination which by any standards is enormous. The petitioner last served as a Compositor in respondent No.2-Maharishi Dayanand University, Rohtak, Haryana and served for a period of 3 years between the period from 1st June, 1984 to 28th January, 1986 intermittently. Though there is no limitation prescribed under Section 10(1)(c) of the Industrial Disputes Act, 1947 but there is a well accepted principle of belated approach for judicial redress that by long lapse of time, the evidence can vanish or is weeded out or lost to the world. Delay defeats equity.

The Courts have to guard themselves against the delay as it may not be prudent to insist upon a determination based on facts in the remote and hazy past.

In any case, the posts in Maharishi Dayanand University, Rohtak are budgeted posts and an order will not be made ordinarily which casts retrospective financial burden on the University by surprise where the workers have failed to take steps to seek legal remedies for 16 years.

To my mind, moulding the relief with reference to the period from 1984 to 1986 may be a difficult job today and therefore I find no error in the award of the Labour Court declining the reference although it was not correct to say that the claim was hit by limitation.

For these reasons, there is no error committed by the Labour Court in the award. Nor does the award suffer from any error apparent on the face of the record.

Consequently, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

October 21, 2015

Paritosh Kumar