

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

Civil Writ Petition No.672 of 2015

Date of decision: 15.1.2015

Shayamo @ Seema

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Chand Ram Olla, 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)

Indisputably, the petitioner's services were terminated in 1994. She raised an industrial dispute by serving a demand notice on 2.10.2001. Reference was rejected vide order dated 23.1.2002 for the reason that the dispute had been raised belatedly after 7 years. The Special Secretary, Government of Haryana, Labour Department applied the ratio of the judgment of the Supreme Court in **Nedungadi Bank Limited v. K.P.Madhavankutty and others**; 2000 (2) SCC 455 and rejected the request. The petitioner served a legal notice on the respondents for the first time thereafter on 11.11.2010 claiming reinstatement with effect from 1994 in violation of the provisions of the Industrial Disputes Act, 1947. The petitioner says that she was working as a Baildar at the Plant Breeding section of CCSHAU, Hisar. After serving notice in 2010, the petitioner has

approached this Court today after over 4 years of the legal notice and over 13 years after the demand notice.

Had the impugned order dated 23.1.2002 been passed today, then this Court may not have supported the reasons for rejection of the reference since no limitation is prescribed under Section 10(1)(c) of the I.D. Act and the appropriate Government cannot act as a quasi-judicial authority because it is within the province of the Labour Court to mould the relief even in cases of delay. However, I would not interfere with the impugned order dated 23.1.2002 looking at the distances involved between the date of termination in 1994, raising of the demand notice for the first time in October, 2001, rejection of the request in January, 2002 and long slumber thereafter till November, 2010 when a legal notice was served on the Vice-Chancellor of the University.

Moreso, when the petitioner has taken over 4 years after serving the legal notice to approach this Court, in view of the long blank of spaces between the cause of action and from taking recourse to remedies before the Administrator and then before this Court, therefore, the present is not found to be a case fit for interference in the extraordinary writ jurisdiction provided in article 226 of the Constitution.

For these reasons, I would dismiss this petition.

Dismissed accordingly.

(RAJIV NARAIN RAINA)
JUDGE

January 15, 2015
Paritosh Kumar