

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

LPA-429-2015(O&M)

Date of decision : 29.09.2015

State of Punjab and another

... Appellants

Versus

Roshan Lal and another

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Ms.Munisha Gandhi, Addl.A.G.Punjab.

RAJIVE BHALLA, J.(ORAL)

CM-875-LPA-2015

Prayer in this application is to condone delay of 321 days in filing the appeal.

Heard. For reasons stated in the application and arguments addressed, the application is allowed and delay of 321 days in filing the appeal is condoned.

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Counsel for the appellants submits that as the workman served a demand notice after more than eight years, the reference made to the Labour Court was not warranted. Counsel for the appellants further submits that order dated 30.03.2012 passed in CWP-16429-1992 remitting the matter to the Labour Court for fresh adjudication is entirely irrelevant in view of the distinct facts of the present case.

We have heard counsel for the appellants and find no reason to differ with the opinion recorded in the impugned order.

Admittedly, in the case of similarly situated workmen the writ petition was allowed and the matter was remitted to the Labour Court to decide the reference afresh. The State of Punjab has not filed any Letters Patent Appeal against this order. The learned Single Judge has merely relied upon order dated 30.03.2012 passed in CWP-16429-1992, set aside the order passed by the Labour Court and remitted the matter for adjudication afresh. The question of delay in issuing the demand notice etc. will be considered by the Labour Court. Consequently, finding no merit in the appeal, the same is dismissed.

(RAJIVE BHALLA)
JUDGE

(REKHA MITTAL)
JUDGE

September 29, 2015.

Davinder Kumar