

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 3833 of 2007**

Keshav Prasad Yadav son of Late Sukkhoo Yadav, aged about 46 years,
Resident of Vikatganj, Ward No. 12, Umaria, District Umaria, Madhya Pradesh.

---- Petitioner**Versus**

1. The General Manager, SEC Railway, Bilaspur, Chhattisgarh.
2. The Divisional Railway Manager, SEC Railway Bilaspur, Chhattisgarh
3. The Senior Divisional Engineer (Coordination) SEC Railway, Bilaspur, Chhattisgarh
4. Union of India, Through Secretary, Ministry of Labour Shram Mantralaya, New Delhi.

---- Respondents

For Petitioner	:	Shri HB Agrawal, Senior Advocate with Ms. Itu Rani Mukherjee, Advocate.
For Respondents	:	None.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****21/01/2016**

1. Heard Learned Senior Counsel for the Petitioner.
2. The Petitioner was removed from service on 27.6.1988. He filed an application for reference under Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act') 17 years later in 2005 which has been declined.
3. Learned Senior Counsel for the Petitioner submits that there is no limitation for referring a dispute to the Labour Court under Section 10 of the Act.
4. Without going into that question, the Court finds that paragraph 4 of the counter-affidavit states that the Petitioner obtained appointment on a fake and

fictitious certificate and on a vigilance enquiry a major penalty of dismissal was imposed on him on 1988. This fact has not been mentioned in the writ petition and therefore amounts to deliberate concealment and suppression of material fact. The counter-affidavit filed was served on the Petitioner way back on 17.11.2011. There is no rejoinder to the same. The basic and primary principle for a person invoking the discretionary writ jurisdiction under Article 226 is to approach the Court with clean hands. A person who pollutes the stream of justice by deliberate suppression of facts and that too, the facts which are extremely relevant to the controversy, deserves no sympathy.

5. The writ application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE