

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.1755 OF 2009

ORDER:

This writ petition is filed by the petitioner against an unregistered Industrial Dispute Award (S.R.No.1582/2008) dated 17.09.2008 passed by the Labour Court-I, Hyderabad.

A perusal of the Award goes to show that the petitioner was removed from service vide proceedings No.P2/1(9)/93, HPT, dated 10.10.1994 by the 1st respondent Corporation; that the petitioner made an application under Section 2A (2) of the Industrial Disputes Act, 1947, nearly after fourteen years from the date of removal from service and that the 2nd respondent-Labour Court, relying on the Judgment rendered by the Apex Court in ***Reserve Bank of India v. Gopinath Sharma (2006 (6) SCC 221)*** rejected the same. Even no reasons were stated by the petitioner for such delay in approaching the labour court. In the writ petition also no proper reasons were stated. It is also found that on several occasions penalties were imposed on the petitioner and that by the time the writ petition is filed, petitioner attained the age of superannuation.

In the counter it is stated that the petitioner after withdrawing the appeal filed by him against the removal order

has filed application for settlement of benefits and that the petitioner was paid all the benefits arising out of his service. It is also stated that he has not submitted application for settlement of SBT as well as SRBS.

Heard learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for APSRTC.

Since the petitioner approached the Labour Court belatedly after a period of fourteen years, it is not a fit case to grant any relief. Though, the petitioner has relied on the Judgment rendered by the Apex Court in ***Ajaib Singh v. The Sirhind Cooperative Marketing-cum-Processing Service Society Limited and another (AIR 1999 Supreme Court 1351)*** stating that the provisions of Article 137 of the Limitation Act do not apply, still the delay was abnormal in approaching the Labour Court.

In view of the aforesaid facts and circumstances, I do not see any reason to entertain the writ petition. Accordingly, the writ petition is dismissed. However, since it is stated by the learned Standing Counsel that the petitioner has not submitted any application for settlement of SBT as well as SRBS, it is open for the petitioner to make application for settlement of SBT and SRBS and on such application being

made, the respondent-Corporation is directed to consider the same and take action in accordance with law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

09.12.2016
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