

CWP No. 21054 of 2013 (O&M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 21054 of 2013 (O&M)
Date of Decision : 24.05.2016

The General Manager and another

...Petitioner

Versus

The Presiding Officer and another

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Neeraj Yadav, AAG, Punjab.

Mr. Padamkant Dwivedi, Advocate for respondent No. 2.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the order dated 08.04.2013 (Annexure P-1) passed by respondent No. 1-Presiding Officer, Industrial Tribunal, Bathinda, wherein claim of the respondent No. 2 has been allowed while directing the petitioner to re-instate respondent No. 2-workman with continuity of service and 30% back wages from the date of demand notice dated 27.05.2002.

Brief facts of the case are that respondent No. 2 was appointed as Ticket Verifier on daily wage basis on 01.11.1983 and her services were terminated on 30.09.1984. The respondent No. 2-workman did not raise any dispute regarding her termination for 17 years. For the first time, reference was made in the year 2001. Due

to technical error, date of termination was wrongly shown, therefore, reference was withdrawn and fresh reference was made on 18.08.2003.

Learned counsel for the petitioner submitted that the Labour Court should have rejected claim of respondent No. 2-workman on the ground of delay of 17 years. In support of the said contention, learned counsel for the petitioner cited a decision of this Court in CWP No. 13216 of 2003, decided on 16.01.2004. In view of the above decision of this Court, Labour Court award is liable to be rejected and present petition is to be allowed.

Per contra, learned counsel for the respondent No. 2-workman submitted that delay in claiming has been dealt by the Labour Court in para 11 of the award and the Labour Court has come to the conclusion that the respondent No. 2 is entitled to 30% back wages from the date of demand notice till the date of her joining into service. Counsel further submitted that delay has been taken note of by the Labour Court and there is no infirmity in the award of Labour Court dated 08.04.2013. Hence, the present petition is liable to be rejected.

Heard learned counsel for the parties.

The respondent No. 2-workman, who has served as a Ticket Verifier on daily wage basis during the period from 01.11.1983 to 29.09.1984 that too with certain breaks. Thereafter respondent No. 2-workman failed to raise dispute at the earliest point of time in the year 1984-1985 or within a reasonable period i.e. in the year 1986-1987. Claim of the workman is highly belated and there is laches on the part of the workman. On these issues,

CWP No. 21054 of 2013 (O&M)

3

the Labour Court has committed error in not considering the delay and laches.

In view of these facts and circumstances, there is a delay and laches on the part of respondent No. 2-workman during the period from 1984 to 2001. Hence, the Labour Court award is set-aside.

Petition stands allowed in above terms.

May 24, 2016.
kanchan

(P.B. BAJANTHRI)
JUDGE