

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

CWP No.23782 of 2015 (O&M)

Date of Decision:20.09.2016

Yashpal Singh

... Petitioner

Vs.

Presiding Officer and others

... Respondents

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

Present : Mr. Ishwar Lal, Advocate for the petitioner.

P.B. BAJANTHRI J.

In the present petition, the petitioner has assailed the order dated 2.9.2006 passed by the Industrial Tribunal-cum-Labour Court-II, Chandigarh.

The petitioner is stated to be working as a clerk in the respondent-bank. For remaining absent for 174 days in 1996, 94 days in 1997 and 197 days in 1998, he was subjected to disciplinary proceedings in the year 2001 and disciplinary proceedings was concluded in imposing the penalty of dismissal from service on 25.09.2001. He preferred an appeal before the Appellate Authority. The Appellate Authority affirmed the order of the disciplinary authority. Consequently, he approached the Industrial Tribunal. On 2.9.2006, the Industrial Tribunal-cum-Labour Court upheld the order of the disciplinary authority. Feeling aggrieved by the award dated 2.9.2006, the present petition was filed in the month of October 2015. There is delay of 9 years in filing the present petition. Whereas the petitioner has filed C.M. No.9229 of 2016 for condonation of delay of 6 years 1 month in filing the above writ petition. Civil miscellaneous application No.9229 of 2016 is heard.

Learned counsel for the petitioner has pointed out from para-4 the reasons for delay in approaching this Court. The extract of para-4 reads as under:

“4. That petitioner condition never improved and depression continued and petitioner is still undergoing treatment for depression. After the impugned order passed by Ld. Labour Court, petitioner approached Ld counsel Sh. S.K. Bawa Advocate, for challenging the award dated 02.09.2006 within few months thereafter. Case file was given to Sh. S.K. Bawa Advocate, but due to shortage of funds and being in depression state of mind, petitioner forget to approach him and take further course for filing the petition. Petitioner has been making all efforts to arrange the funds but could not collect the requisite amount and hence did not dare to approach the counsel and ask for its proceedings. Petitioner even did not remembered that he has to give nod to the counsel for filing the case. Since no amount was paid to the counsel Sh. S.K. Bawa for it, case file remained in the office of Sh. S.K. Bawa Advocate.”

From the perusal of the record, it is evident that award was passed on 2.9.2006 whereas the present writ petition was presented in the month of October 2015. Thus, there is a delay of 9 years. Civil miscellaneous application has been filed for condonation of delay of 6 years 1 month. The reason stated in para-4 of the civil miscellaneous application for condonation of delay of 6 years and 1 month is not sufficient cause shown so as to condone the delay. Apart from the delay, there is laches on the part of the petitioner for the reasons that no material has been produced or stated in the civil miscellaneous application for condonation of delay stating that the petitioner had made any effort to file writ petition against the award dated 2.9.2006 during the period from September 2006 to October 2015. It was merely stated that he had handed over papers to an Advocate and for want of funds, the petitioner did not approach the Advocate for

filing the writ petition.

For want of sufficient cause for delay of 6 years 1 month, Civil miscellaneous application No.9229 of 2016 stands dismissed. Consequently, the writ petition is dismissed.

20.09.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No