

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25046 of 2016

Date of Decision:-05.12.2016.

Joginder Singh

.....Petitioner

Versus

Central Government Industrial Tribunal-I, Chandigarh Bench and others

.....Respondents

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

Present: Mr. Karnail Singh, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of the award passed by the Industrial Tribunal dated 18.2.2014. Learned counsel for the petitioner submitted that the Industrial Tribunal proceeded to pass *ex parte* award in the absence of workman or his representative. The grievance of the petitioner is that he is entitled for promotion to the cadre of Senior Trolleyman. His claim relates back to 18.1.1985/19.12.1985. It was submitted that the petitioner knew about juniors' promotion only in the year 2008. Therefore, he has pursued the matter from 2008 onwards. The Supreme Court in the case of **P.S. Sadasivaswamy Vs. State of Tamil Nadu 1975 (1) SCC 152** held that for the purpose of seeking grievance relating to promotion one must approach appropriate forum within the reasonable period of time. In the present case, the petitioner's grievance of promotion relates back to 18.1.1985/19.12.1985. The petitioner pursued the matter since 2008.

However, no explanation has been given in relation to the delay from 1985 to 2008. It is only stated that the petitioner had the knowledge of juniors' promotion only in the year 2008. In view of the decision cited (supra), the petitioner's case is hopelessly barred by delay and laches. Even assuming that *ex parte* award dated 18.2.2014 is set aside and remanded, still on the question of delay and laches petitioner has no case. Therefore, the petitioner has not made out a case so as to interfere with Annexure P-1 award dated 18.2.2014.

Writ petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

December 05, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.