

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

**CWP No. 9537 of 2012
Date of decision: 10.08.2016**

Krishan

...Petitioner

Vs.

**Presiding Officer, Industrial Tribunal,
Hissar & Another**

...Respondents

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

Present : Mr. Durga Dutt Sharma, Advocate
for the petitioner.

Mr. Anil Mehta, Assistant Advocate General,
Haryana.

P.B. BAJANTHRI, J. (Oral)

The petitioner has filed this petition against the award dated 15.09.2008 (Annexure P-4).

The petitioner is stated to have been appointed as a daily-wager in the respondent-Forest Department in the month of August, 1990. It is stated that he worked upto 31.01.1995 and his services were terminated orally. The same is disputed by the learned counsel for the respondent-Forest Department contending that he himself left the job on his own. Thereafter, on 17.04.2003, he raised a demand notice and pursued the matter upto the reference in the year 2005. On 15.09.2008, the Labour Court declined to interfere with the claim of the petitioner. Hence, this petition.

Learned counsel for the petitioner submitted that the Labour Court rejected the claim of the petitioner only on the ground that he was a daily-wager and did not fall within Section 2 (OO) of the Industrial Disputes Act, 1947 and he was not appointed against any sanctioned post; so also not in accordance with regulation. It was contended by learned counsel for the petitioner that similar persons as daily wagers were appointed subsequently and their services have been continued. Thus, there is a discrimination in not continuing the petitioner's service. Hence, the petitioner is entitled for reinstatement.

Per contra, learned counsel for the respondents submitted that even with reference to petitioner stating that his services were terminated on 31.01.1995, he raised demand notice on 17.04.2003. There is enormous delay in raising the demand notice. Apart from that, he is only a daily-wager. Admittedly, he has not been appointed against a sanctioned post. Therefore, award of the Labour Court is in order.

Perusal of the dates & events, like date of appointment and date of termination as well as demand notice issued by the petitioner-workman, shows that there is enormous delay in raising the demand notice. If the petitioner had been terminated from service on 31.01.1995, he should have raised the demand notice in the year 1995

itself to show his bonafide of his reinstatement and continuing in service and raised demand notice immediately after his termination. Therefore, petitioner's grievance is a stale claim and he is not entitled to any relief.

In view of the facts and circumstances of the case, the petitioner has not made out case so as to interfere with the award dated 15.09.2008.

Petition stands dismissed.

August 10, 2016
Ansari

(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No