

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

**LPA No.1854 of 2015 (O&M)
Date of Decision : 03.02.2016**

Sajjan Singh

.... Appellant

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak
and others

.

.... Respondents

**CORAM: HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present:- Mr. Sandeep Singal, Advocate
for the appellants..

HARINDER SINGH SIDHU, J.

This intra Court appeal under clause X of the Letters Patent has been filed against the order dated 21.10.2015 passed by the Ld. Single Judge whereby the writ petition (CWP 22733 of 2015) filed by the appellant challenging the award of the Ld. Industrial Tribunal-cum-Labor Court Rohtak has been dismissed *in limine*.

The appellant workman had raised an industrial dispute by serving a demand notice dated 19.12.2002 that his termination of service was illegal. It was alleged therein that he had been serving respondent No.2 since 01.06.1984 as a Compositor on daily wage basis and his services had been terminated on 31.10.2001 without compliance with the provisions of Section 25-F of the

Industrial Disputes Act, 1947.(hereinafter refereed to as the ` 1947 Act").

Before the Industrial Tribunal-cum- Labour Court, the appellant was not able to substantiate his claim except for making a bald statement that he had worked during the said period. Even Sh. E.N. Sharma, Accounts and Store Incharge M.D.U., Rohtak examined by him in support of his claim as WW-1, did not support him as during his cross examination, he deposed that the appellant had worked for 31 days in June 1984, 31 days in August 1984, 30 days in September 1984, 31 days in October 1984, 27 days in November 1984, 31 days in December 1984, 7 days in January 1985, 28 days in February 1985, 30 days in March, 1985, 30 days in April, 1985 and 22 days in May, 1985. On this evidence the Tribunal-cum-Labour Court, concluded that the appellant had not completed 240 days as alleged in the concerned years. Resultantly, it was held to be established beyond doubt that the appellant was not entitled to the relief claimed.

Learned Industrial Tribunal-cum-Labour Court, further held that the evidence of the respondent-Management that the appellant had worked on daily wages only from 22.06.1984 till January, 1986 and thereafter he left the job on his own, had remained un-rebutted. As there was no evidence to prove that the appellant had worked beyond February, 1986 and the demand notice was served on 19.12.2002, i.e., after a delay of 16 years the claim of the appellant was denied on the ground of inordinate delay

as well.

Learned Single Judge while dismissing the writ petition held that though there is no limitation prescribed under Section 10(1)(C) of the Industrial Disputes Act, but it is well accepted principle that delay defeats the equity. In view of the inordinate delay of about 16 years in seeking legal redress by the appellant no error was found in the award of the Labour Court declining the reference, even in the absence of a period of limitation being prescribed under the Industrial Disputes Act.

Ld. Counsel for the appellant could not point out any illegality in the aforesaid order

Dismissed.

(SATISH KUMAR MITTAL) (HARINDER SINGH SIDHU)
JUDGE JUDGE

03.02.2016
Atul