

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10491-2015 (O&M)

Date of Decision:-17.11.2017.

Charanjit Singh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Pankaj Kundra, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 29.8.2008 (Annexure P-4).

The present petition has been filed in the month of May, 2015. On the last occasion, it was pointed out relating to delay and laches on the part of the petitioner in approaching this Court from 2008 to 2015. Petitioner has filed a CM for placing on record medical report vide Annexure P-5. Medical report is relating to petitioner's daughter. Perused the affidavit. Reasons are not sufficient to condone the delay and laches for the period from 2008 to 2015 in view of the Supreme Court decision reported in ***(2015) 15 SCC 602 (State of Jammu and Kashmir Vs. R.K. Zalpuri and other)*** wherein para 20 and 28 read as under:-

20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation vs. Dosu Aardeshir Bhiwandiwalla wherein this Court while dwelling upon jurisdiction under [Article 226](#) of the Constitution, has expressed thus:-

“30. The Court while exercising its

jurisdiction under [Article 226](#) is duty-bound to consider whether:

- (a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;*
- (b) the petition reveals all material facts;*
- (c) the petitioner has any alternative or effective remedy for the resolution of the dispute;*
- (d) person invoking the jurisdiction is guilty of unexplained delay and laches;*
- (e) ex facie barred by any laws of limitation;*
- (f) grant of relief is against public policy or barred by any valid law; and host of other factors.*

28. Another aspect needs to be stated. A writ court while deciding a writ petition is required to remain alive to the nature of the claim and the unexplained delay on the part of the writ petitioner. Stale claims are not to be adjudicated unless non-interference would cause grave injustice. The present case, need less to emphasise, did not justify adjudication. It deserved to be thrown overboard at the very threshold, for the writ petitioner had accepted the order of dismissal for half a decade and cultivated the feeling that he could freeze time and forever remain in the realm of constant present.”

In view of the above facts and circumstances read with the Supreme Court decision cited supra, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 17, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.