

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1875 of 2016 (O&M)
Date of Decision:-29.08.2017.

Jaspal Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal Bathinda and others

.....Respondents

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

Present: Mr. Puneet Kumar Bansal, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Additional A.G. Punjab.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has questioned the validity of the Labour Court award dated 22.11.2013 (Annexure P-1).

Petitioner is stated to have been appointed as a Conductor on 13.10.1983 and his services were terminated on 04.08.1987. Feeling aggrieved by the order of termination, petitioner filed a civil suit seeking a declaration. Suit was dismissed on 28.08.1993. Thereafter, he preferred an appeal and his appeal was also rejected in the year 1996. Faced with these facts and circumstances, petitioner resorted to raise an industrial dispute. In this regard, he has issued a demand notice on 18.10.2004 and Reference was decided by the Labour Court on 22.11.2013. Hence, the present petition in challenging the award passed by the Labour Court.

Learned counsel for the petitioner submitted that even though there is a delay in issuing demand notice, the same is condonable for the reasons that petitioner had pursued his right on an illegal advise by filing

civil suit and appeal. It was further submitted that various Supreme Court decisions have held that delay would not come in the way of granting any relief to labourer under the Industrial Disputes Act, 1947.

Per contra, learned counsel for the respondents submitted that on the ground of delay and laches and read with the conduct of the petitioner, petitioner has not made out a case so as to interfere with the award passed by the Labour Court dated 22.11.2013. Hence, the writ petition is liable to be set aside.

Heard learned counsel for the parties.

Undisputed facts are that petitioner was appointed as a Conductor on 13.10.1983. His services were dispensed on 04.08.1987. He had filed civil suit in the year 1988 and it was dismissed on 28.8.1993. Thereafter, he preferred an appeal and it was rejected in the year 1996. Thereafter, he raised a demand notice on 18.10.2004. Petitioner has not furnished any explanation for condonation of delay from 1996 to 2004. That apart there is a finality in the civil suit between the petitioner and the respondent and it is binding on both the parties. Unless and until it is declared as void proceedings by the competent Court, petitioner cannot resort to industrial dispute. In view of these facts and circumstances, petitioner has not made out a case so as to interfere with the Labour Court award dated 22.11.2013.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

August 29, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.