

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

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CWP-16726-2017 (O&M)

Date of decision: 31.07.2017

Kuldeep Singh

....Petitioner

Versus

Presiding Officer, Industrial Tribunal and
Labour Court, Chandigarh and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Namit Gautam, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the present writ petition, petitioner has challenged impugned award dated 28.10.2013 (Annexure P13).

Petitioner is not vigilant and not indolent, acquiescent. Petitioner should be diligent in pursuing remedy. There is non-explained delay.

On the ground of delay and laches, Supreme court in the case of ***UP Jal Nigam, versus Jaswant Singh*** reported in (2006)11 SCC 464 in para 6 held as under:-

“The question of delay and laches has been examined by this Court in a series of decisions and laches and delay has been considered to be an important factor in exercise of the discretionary relief under [Article 226](#) of the Constitution. When a person who is not vigilant of his rights and acquiesces with the situation, can his writ petition be heard after a couple of years on the ground that same relief should be granted to him as was granted to person similarly situated who was vigilant about his rights and challenged his retirement which was said to be made on attaining the age of 58 years. A chart has

been supplied to us in which it has been pointed out that about 9 writ petitions were filed by the employees of the Nigam before their retirement wherein their retirement was somewhere between 30.6.2005 and 31.7.2005. Two writ petitions were filed wherein no relief of interim order was passed. They were granted interim order. Thereafter a spate of writ petitions followed in which employees who retired in the years 2001, 2002, 2003, 2004 and 2005, woke up to file writ petitions in 2005 & 2006 much after their retirement. Whether such persons should be granted the same relief or not ?”

In view of these facts and circumstances, on the ground of delay and laches on the part of the petitioner, petition stands dismissed.

31.07.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No