

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-21068-2017 (O&M)

Date of Decision:-15.09.2017.

Ram Lakhan

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala and
others

.....Respondents

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

Present: Mr. Diwan S. Adlakha, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the validity of the award dated 1.8.2007 (Annexure P-4) in the month of September, 2017. The petitioner has assigned the following reasons for delay:-

“5. That the petitioner is an illiterate poor person, having large family to look after, therefore seeks the kind indulgence of this Hon'ble Court. It is submitted that the petitioner is a poor person, but he wanted to challenge the impugned order being illegal and against the settled provisions of law, therefore, after collecting the case documents as well as certified copy of the impugned order, he borrowed money from his relatives and friends for challenging the impugned award and engaged Shri Yogesh Chaudhry advocate, to challenge the impugned order by filing the writ petition before this Hon'ble Court, in the month of march 2009 and upon asking, he was assured each and every time that his case is pending and he would be informed

accordingly. However, after the untimely death of Shri Yogesh Chaudhary, when the petitioner approached his office for collecting his case file in the month of July, 2017, it is only then he came to know that the case has never been filed by his counsel. So, he after collecting the case file including the documents from the clerk of Shri Yogesh Chaudhry advocate, immediately contacted with counsel who after collecting the documents; is filing the present petition without any further delay. It is submitted that if there is any delay in challenging the impugned order, the same is neither intentional nor wilful but had occurred due to bonafide reason as narrated above and the same may kindly be condoned in the interest justice.”

There is a delay as well as laches on the part of the petitioner in challenging the award dated 1.8.2007. Perusal of the reasons assigned in the pleadings of the writ petition, it do not reveal the dates and events. It is very vaguely pleaded that petitioner had approached advocate and his clerk and they have misled him etc. Such reasons are not tenable to condone delay of about a decade in filing the present petition. In view of these facts petition cannot be entertained on the ground of delay and laches, petitioner has not made out a case so as to interfere with the Labour Court award dated 1.8.2007 (Annexure P-4).

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

September 15, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.