

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24774-2017 (O&M)

Date of Decision:-01.11.2017.

Majer Singh

.....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and
another

.....Respondents

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

Present: Mr. Navneet Jindal, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

Petitioner has questioned the validity of award passed by the
Labour Court dated 10.9.2012 (Annexure P-4).

Petition has been presented in the month of October, 2017.
There is a delay and laches on the part of the petitioner in filing the present
writ petition. Reasons stated for delay reads as under:-

*“11. That as such the remedy can be
availed at any time but in the present case the
petitioner came to know about the passing of the order
in the year 2013 thereafter he applied for certified copy
of the order on 18.04.2013. Then he approached a
counsel in respect of filing the case but the case could
not be filed as only the certified copy of the order was
handed over to the counsel. The petitioner came to
know that no case was filed after he contacted the
counsel as no fee was paid at that time which otherwise*

was agreed to be paid in installments and other documents were necessary to be filed which were not supplied as the same were not demanded earlier. The petitioner being poor person could not arrange the fee or even expenses agreed at the time of filing the case with said counsel. Thus, the non filing of the petition earlier is on account of financial capacity and thus neither deliberate nor intentional.”

The aforesaid reasons cannot be accepted as there is a delay of more than 5 years. The reasonable period of delay would be 3 years under the Limitation Act for filing suit is to be taken. That apart, there is laches on the part of the petitioner.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

November 01, 2017.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.