

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

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**CWP-25466-2017 (O&M)
Date of decision:09.11.2017**

Surinder Kumar

....Petitioner

Versus

State of Punjab and others

.... Respondents

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

Present: Ms. Jigyasa Tanwar, Advocate for the petitioner.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 02.05.2017 (Annexure P-7).

Petitioner is stated to have worked as Mistri with respondent No.2 upto 06.09.1990. His services were terminated on 06.09.1990. Consequently cause of action accrued to the petitioner in the year 1990. Whereas, the demand notice was issued only on 10.03.2002. There is delay and laches on the part of the petitioner during the period from 1990 to 2002. The same cannot be condoned merely on the score that petitioner was approaching the authorities by way of submitting representations from time to time that is from 1991 to 2001. 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 no interference is called for with the award dated 02.05.2017 (Annexure P-7).

Accordingly, CWP stands dismissed.

09.11.2017

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons
Whether Reportable:

Yes/No
Yes/No