

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7660 of 2013

Date of Decision: 14.02.2017

B.S. Rathi

... Petitioner

Vs.

The Presiding Officer & another

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Krishan Kumar, Advocate
for the petitioner.

Mr. Kapil Kakkar, Advocate
for respondent No.2.

RAJIV NARAIN RAINA, J. (Oral)

The substantive prayer in this petitioner is as follows:-

“i) Issue a writ in the nature of MANDAMUS/CERTIORARI directing the Respondent No.1 to decide and dispose of the application dated 08.11.2016 (P-2) for restoration of the case AND with a prayer for quashing the ex-parte award dated 16.10.2006 (P-1) and the order dated 08.10.2009(P-5) and dated 06.05.2010 (P-6) passed by the Ld. Respondent No.1 vide which the application dated 25.03.2008 (P-3) moved by the Petitioner for taking up the application dated 08.11.2006.”

Mr. Kakkar has filed a written statement on behalf of the respondent Bank in which he has raised preliminary submissions which leaves no doubt in mind that the petition is misconceived and has to be dismissed. Preliminary submissions 2 and 3 are reproduced:-

“2. That further, after moving the application Annexure P-2 for restoration on 08.11.2006, the

petitioner remained silent for about 2 years and it was only thereafter vide Annexure P-3 i.e. on 25.03.2008, the petitioner moved another application for taking up the application of restoration and when the same was taken up on 03.10.2009, again no one was present on behalf of workman whereas this time again management was represented through the law officer and in the absence of any representation on behalf of the workman even for restoration of the case, the Labour Court was fully justified in dismissing the application for want of prosecution.

3. That the totally unjustified conduct of the petitioner is further evident from the fact that even after dismissal of the application on 06.05.2010 (Annexure P-6), the petitioner did not take any step and suddenly after awaking from slumber, filed the present writ petition in the year 2013 seeking quashing of the Ex Parte award dated 16.10.2006 and the orders 08.10.2009 and 06.05.2010 and as such the present writ petition is liable to be dismissed on the ground of delay and laches alone.”

The contents of para 2 and 3 are set explanatory and need no further comment from this Court. This is frivolous and fictitious litigation.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

14.02.2017

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No