

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3194 of 2017

Date of Decision: 1.05.2017

Ram Kanwar

... Petitioner

Versus

Union of India & ors.

... Respondents

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

Present: Mr. SS Majithia, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

The petitioner is always at liberty to approach the appropriate forum exercising jurisdiction over the subject matter in prayer (i) of this petition which is for remuneration for performing extra work for 2 hours every day for the period of 10.10.1985 to 31.12.1991 in terms of “Section 59(1) of Factories Act, 1948 and 33-C(2) of the Industrial Disputes Act, 1947”. As far as this petition is concerned filed under Article 226 of the Constitution in 2017, the claim is patently barred by delay and unexplained laches and as far as writ Court is concerned, and the case falls in cases of dead and stale claims. Repeated representations to tide over delay of decades would not create fresh causes of action with every request which is not acknowledged by employer and therefore, the petition is dismissed. There is a well settled principle that where the suit is barred for relief, a writ would not issue. See, State of Madhya Pradesh v. Bhai Lal Bhai, AIR 1964 SC 1006. The claim by the retired petitioner is no more than and in the nature of suit for recovery of money for which there is limitation provided for i.e. 3 years. That period expired in 1994. Besides, an intangible claim going back to yesteryears spanning 10.10.1985 to 31.12.1991 to establish right will require

oral and documentary evidence if arguendo barrier of limitation is removed. That would require trial which cannot be conducted in this Court. I would, therefore, refuse to entertain this petition in writ jurisdiction. Accordingly, the petition is dismissed.

1.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>