

suitably adjudged as a case of abandonment of job especially when the demand notice was raised for the first time on 19.4.2004 notwithstanding no limitations prescribed in Section 10 (1) (c) of the Act. Even if the petitioner had a glimmer of right even then the Labour Court may have refused to mould the relief in favour of such a litigant, who was slept over his rights as against a department of the government where service conditions are governed by statutory rules. The Labour Court lost focus on this spinal issue of delay and laches as it was involved in deciding the reference without an aerial view of all the angles. But the heart of the matter was that the claimed right stood extinguished by delay and laches. Moreover, reinstatement does not follow automatically especially to government service and after 16 years is itself a debilitating factor to consider grant of relief. I find no error apparent on the face of the record or a fundamental flaw of reasoning. I would, therefore, not interfere in the impugned award. The petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

13.01.2017
monika

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