

Sr. No.223

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

LPA NO.606 OF 2016(O&M)

Date of Decision: May 02, 2017

Karnail Singh

....Appellant

VS.

The Presiding Officer, Labour Court and othersRespondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR. SHEKHER DHAWAN**

Present:- Mr.J.S.Cooner, Advocate for the appellant.
Mr. Vivek Saini, DAG, Haryana.

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MAHESH GROVER, J

This appeal is directed against the judgment of the learned
Single Judge dated 05.01.2016.

The present appellant, hereinafter known as workman,
preferred a claim under Section 10(1)(C) of the Industrial Disputes Act,
1947 questioning the termination of his services. In the proceedings before
the Labour Court he defaulted in appearance on 07.08.2008 and was
proceeded against exparte. The Labour Court then passed the award dated
20.12.2008 and when the representatives of the management made a
statement that since the workman had been proceeded against exparte and
had not chosen to appear at all, they also did not want to give any evidence
and the case in question be decided. Reference was accordingly dismissed
and award published in the official gazette on 10.02.2009. The workman
then preferred a writ petition after lapse of seven years which was also
dismissed on the ground of delay.

LPA NO.606 OF 2016(O&M) -2-

We find no infirmity in the findings recorded by the learned Single Judge. Once the workman failed to prosecute his claim by not appearing before the Labour Court and chose not to challenge the proceedings within reasonable time and filed the writ petition after inordinate delay of seven years, there would be no occasion for this Court to embark upon to answer the grievance of the appellant.

Dismissed.

**(MAHESH GROVER)
JUDGE**

**(SHEKHER DHAWAN)
JUDGE**

May 02, 2017
mamta

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No