

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

Letters Patent Appeal No.119 of 2017 (O&M)
Date of Decision: 24.3.2017

Darshan Singh ...Appellant

versus

The Presiding Officer, Industrial Tribunal, Patiala and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR.JUSTICE RAMENDRA JAIN

Present: Mr. Manish Kumar Singla, Advocate, for the appellant.

RAMENDRA JAIN, J.

1. The appellant has filed the instant Letters Patent Appeal under Clause X of the Letters Patent, challenging the judgment dated 22.11.2016 passed by the learned Single Judge, dismissing Civil Writ Petition No.22676 of 2014 filed by the petitioner (appellant herein).

2. Learned counsel for the appellant has vehemently contended that the learned Single Judge, while passing the impugned order dated 22.11.2016, did not consider this aspect of the matter that though the learned Industrial Tribunal had recorded a specific finding in the impugned award dated 30.7.2014 with respect to non-compliance of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), yet while denying reinstatement to the workman, only a paltry compensation to the tune of ₹10,000/- was awarded to him.

3. After giving our thoughtful consideration to the submission made by the learned counsel for the appellant, we do not find any merit in the instant Letters Patent Appeal and the same deserves to be dismissed.

4. A perusal of the record shows that the appellant was a daily wage worker and worked with the respondents as chowkidar from 01.05.1986 to 31.07.1986 at Khanauri and 01.10.1986 to 31.12.1986 at Lehragaga respectively. His services ended with the end of each working day. The services of the appellant were dispensed with on 31.12.1986. The appellant issued a demand notice on 14.5.1994. The same was referred to the court. The reference was dismissed as withdrawn on 27.3.2009, because of mentioning of wrong date of termination as 01.12.1987. However, the appellant was granted permission to file a fresh reference arising out of fresh reference no. 273 of 2009. The Industrial Tribunal, Patiala, decided the reference on 30.7.2014 and compensation to the tune of ₹10,000/- was awarded to the appellant. The learned Single Judge, while deciding Civil Writ Petition No.22676 of 2014, has observed that since there is enormous delay in pursuing the matter, no interference is called in respect of award of the Industrial Tribunal dated 30.7.2014 and resultantly, the writ petition was dismissed. The record further spells out that the services of the appellant were dispensed with on 31.12.1986 and he filed the claim petition in 2009 and as such, it suffers from inordinate delay, i.e., 23 years. Learned counsel for the appellant, during the course of hearing, could not point out any glaring error in the impugned order dated 22.11.2016 passed by the learned Single Judge, that may warrant interference by this court.

5. In view of the foregoing discussion, we do not find any infirmity or illegality in the impugned order dated 22.11.2016 passed by the

learned Single Judge and as such, the same is hereby affirmed.

6. The Letters Patent Appeal is, accordingly, dismissed.

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7. There is a delay of 26 days in filing the appeal. Since the main appeal has been dismissed on merits, no further orders are required to be passed in the application for condonation of delay in filing the appeal and the same is left open.

8. Registry is directed to bring this order to the notice of the respondents, so as to avoid any concealment of this order by the appellant.

(RAMENDRA JAIN)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

24.3.2017
VK

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |