

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

LPA No.372 of 2017 (O&M)

Date of Decision :04.07.2017

Ravi Dutt Sharma (Died) through LRs

....Appellants

Versus

The Punjab and Sind Bank and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

....

Present: Mr.S.P.Soi, Advocate
for the appellants.

....

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the
learned Single Judge dated 21.11.2016.

Workman's services were terminated in the year 1995
on account of several misconducts on his part for remaining
absent from duty. He raised a demand in the year 2000 after a
lapse of 5 years and the Labour Court while answering the
reference granted reinstatement; protected his seniority but
declined back wages which led to a writ petition from where the
impugned order has emerged.

The learned Single Judge upheld the award of the Labour Court on the ground that the reference was claimed belatedly after a lapse of 5 years which would disentitle the appellant to the back wages. The other aspects of the award were not interfered with.

Impugning the judgment of the learned Single Judge learned counsel for the appellant contends that it was the ailment of the workman that prevented him from raising industrial dispute at an earlier point of time. We, however, find that no such material was produced by the appellant before the Labour Court or the writ court or even before us. Consequently, we are unable to appreciate the plea of the appellant in this regard.

However, the delay of 9 days in filing the appeal, is condoned considering the explanation furnished in the application.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

04.07.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No