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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 516/2017

RAMPRIT SINGH

..... Appellant

Through: Ms. Pragya Verma, Adv with
Mr. D.B Yadav, Adv.

versus

M/S SHRI OM ENTERPRISES PVT LTD & ANR Respondents

Through: Counsel for Respondents.
(Appearance not given)

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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09.08.2017

CM Nos.27293/2017 & 27294/2017 (exemption)

Allowed, subject to just exceptions.

CMs stand disposed of.

LPA 516/2017 & CM No.27295/2017 (condonation of delay)

The appellant has preferred the present appeal to assail the judgment dated 08.05.2008 passed by the Learned Single Judge in W.P.(C) 303/2008 whereby the writ petition of the appellant stood dismissed by the learned Single Judge.

The appellant has preferred the aforesaid appeal with an application to condone the delay in preferring the present appeal. Having heard the counsel for the appellant, we do not find merit either in the present appeal or in the

application seeking condonation of delay.

The case of the appellant is that he was appointed as a Fitterman in January, 1985 by the respondent-management. The services of the appellant were terminated vide letter dated 07.10.1985 on the ground that his probation period had expired. The appellant then raised an industrial dispute and vide award dated 15.03.2004 the Labour Court held in favour of the management. It was held that the termination of the appellant's service was legal. This was so held on the premise that the appointment of the appellant as workman on 16.01.1985 was as a probationer and his probation had been extended up to 14.10.1985. In this regard the appointment letter issued to the appellant Ex.MW1/2 was relied by the management in which it is provided that the appointment of the appellant was as a probationer for a period of 12 months. The said letter of appointment bears the signatures of the appellant. The management also produced Exs.MW1/3, MW1/4 extending the appellant's probation. The learned Single Judge observed that the Labour Court while holding the action of the Respondent as arbitrary and unjust had enhanced the amount of compensation from Rs.1085.95 to Rs.10,000/-.

We find that the explanation furnished by the appellant for the delay is that he is a poor person. Though that may be a reason for condonation of some amount of delay and the court may condone the delay if the facts so warrant, however, there is no justification for the inordinate delay of over nine years in preferring the present appeal. On the other hand, it reflects that the appellant is not serious about his job. We may also observe, as pointed out by learned counsel for the appellant, that the respondent/management had in Para 7 of its written statement filed before the Labour Court in I.D No. 489/83 stated that even though the termination of the appellant's

services was legal, yet the management was willing to take back the appellant into service and required him to immediately join service, if he was really interested; this offer was however made without prejudice to the contentions of the respondent/management before the Court. The appellant is not able to show that whether he accepted this offer and it appears that no steps were taken by the appellant pursuant to the said offer and no application was ever made before the Labour Court to seek a direction to permit the appellant to join his duties. Thus, there is a serious doubt, with regard to the sincerity of the appellant in pursuing his case for reinstatement. For the aforesaid reason, we find no infirmity in the impugned order. The appeal is dismissed both on merits as well as on the ground of limitation.

VIPIN SANGHI, J

REKHA PALLI, J

AUGUST 09, 2017

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