

AFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (L) No. 64 of 2018**

1. State of Chhattisgarh through - Secretary, Water Resources Department, Mahanadi Bhawan, Naya Mantralaya, Naya Raipur, P.S. Mandir Hasaud Raipur, Chhattisgarh.

(Petitioner No. 1 was not a party before the Learned Labour Court, but has been impleaded as petitioner No. 1 herein as it is necessary to implead the State Govt. through the Secretary of concerned Department.)

2. The Executive Engineer, Hasdev Canal Water Management Division Janjgir, District- Janjgir- Champa, Chhattisgarh.

---- Petitioners**Versus**

Mahadeva S/o Gulam, aged about 51 years, address- village Bamhanidih, Tahsil Champa, Bajar Road, Bus Stand, District- Janjgir- Champa, Chhattisgarh

---- Respondent

For Petitioners	:	Smt. M. Asha, P.L.
For Respondent	:	Shri Lav Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****20/02/2018**

The present writ petition has been filed assailing the award dated 13.05.2014 passed by the Labour Court, Janjgir Champa in Case No.42/I.D.Act/2013 (Ref.). Vide the impugned order, the learned Labour Court has passed the award in favour of the respondent worker granting relief of reinstatement in service without back wages.

2. The present writ petition now has been preferred by the employer petitioner on 01.02.2018 i.e. after almost four years from the date of

impugned award. No explanation whatsoever has been given for the delay caused in filing the writ petition. The only piece of explanation which seems to have been given is that they had sought instruction from the Law and Legislative Department and only thereafter they filed the writ petition. Such an explanation is not at all acceptable for preferring a petition before the High Court.

3. So far as the delay aspect is concerned, the matter is well settled by a catena of decisions of the Supreme Court in the cases of Bhoop Singh v. Union of India¹, New Delhi Municipal Council v. Pan Singh and others², and recently in the case of Chennai Metropolitan Water Supply and Sewerage Board and others v. T. T. Murali Babu³.

4. The State is no exception in application of those principles. Four years time from the date of award is quite a substantial period for challenging an order which in due course of time has attained finality. Moreover, counsel for the petitioners himself submits that in compliance of the order, the worker i.e. the respondent herein has been reinstated in service which by itself shows that a substantive right in due course of time has been created in favour of the respondent worker. Under the given circumstances, after an inordinate unexplained delay of 4 years, it would not be fair to now question the veracity of the order passed in May, 2014.

5. The writ petition on the ground of delay and laches deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE

1 (1992) 3 SCC 136
2 (2007) 9 SCC 278
3 (2014) 4 SCC 108