

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 214 of 2018**

(Arising out of order dated 07.02.2018 passed by learned Single Judge in Writ Petition (L) No. 26 of 2018)

- Nakul Kaushik, S/o Shri Tularam Kaushik, Aged about 36 years, R/o Village – Sambalpuri, Post – Sakri, Police Station Sakri, District – Bilaspur (Chhattisgarh)

---- Appellant**Versus**

1. State of Chhattisgarh, Through – Secretary, Public Works Department, Mantrayalay, Naya Raipur, Raipur (Chhattisgarh)
2. Chief Engineer, Public Works Department Bilaspur Range, District Bilaspur (Chhattisgarh)
3. Executive Engineer, Public Works Department, Bilaspur Division No.1, District – Bilaspur (Chhattisgarh)
4. Assistant Labour Commissioner First Floor, New Composite Building, Bilaspur, District – Bilaspur (Chhattisgarh)

---- Respondents

For Appellant : Shri K.P.S. Gandhi, Advocate.

For Respondent/State : Shri Ramakant Mishra, Deputy Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**Hon'ble Shri Justice Pritinker Diwaker****Order on Board****Per Ajay Kumar Tripathi, Chief Justice****12.07.2018**

1. Heard the counsel for the Appellant and counsel for the State.
2. Even according to the counsel for the Appellant though he had been engaged as a daily wager sometime in the year 1994 but has not been in any kind of engagement after January 2001. It is only now that he has sought to raise a dispute before the Assistant Labour Commissioner against disengagement in the year 2017. There is no explanation as to why a citizen will wait for 16 years to raise a grievance against his disengagement as a daily wager. The authorities, therefore, are not bound to entertain any frivolous application at the behest of a person according to his convenience and time of his liking.

3. The learned Single Judge considering the totality of the facts as well as the law on the issue has observed in his order dated 07.02.2018 in paragraphs 7 and 8 which are as follows:

*“7. Given the aforesaid factual matrix of the case, this court is of the opinion that the Assistant Labour Commissioner does not seem to have committed any error while rejecting the application on the ground of delay and laches. Even otherwise, there is a judgment of this court in case of **Municipal Corporation, Rajnandgaon Vs. Narayan Lal Sinha, ILR 2016 Chhattisgarh 638**, wherein it has been held that the dispute pertaining to termination and dismissal has to be raised in the light of the amended provisions of under Section 2-A of the Industrial Disputes Act.”*

*“8. This court has also recently in case of **Ramkrishna Das Vs. Municipal Corporation, Rajnandgaon** (Writ Petition (L) NO. 15 of 2018, decided on 25.01.2018) and two other connected petitions, has upheld the order of Labour Court, Rajnandgaon, rejecting the claim application of the Petitioner on the ground of delay and laches in the light of new amended provision of the Industrial Disputes Act.”*

4. We are satisfied that the decision provided as above on the grounds alone are legal and valid. Appeal is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Pritinker Diwaker)
Judge