

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20779 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 1st respondent in not referring the dispute to the Labour Court for adjudication as required under Section 12(5) of the Industrial Disputes Act vide letter dated 08.11.2001, as illegal and arbitrary.

When the matter is taken up for hearing, it is informed by the learned standing counsel for 3rd respondent corporation that the petitioner has attained the age of superannuation. He contends that the punishment of deferment of one increment for two years with cumulative effect was imposed on 16.07.1977, whereas the petitioner raised the dispute before the conciliation officer during 1995 and there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the submission of the learned standing counsel, this Court is of the considered view that the 1st respondent has rightly refused to refer the dispute to the Labour Court on the ground of delay and laches. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

12th November, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 20779 of 2003
(dismissed)

12th November, 2018

cbs