

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

CWP-11817-2015

Date of Decision: 18.04.2018

Tejpal

... Petitioner

Vs.

Presiding Officer and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. B.K. Bagri, Advocate
for the petitioner.

Mr. Rohit Arya, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 15.01.2008 (Annexure P-12).

2. This writ petition has been filed in the month of May 2015. There is a delay of nearly 6 years in challenging the award. Supreme Court in the case of *State of Jammu and Kashmir v. R.K. Zalpuri and others*; AIR 2016 SC 3006 held in para-20 how to entertain a writ under Article 226 of the Constitution. Extract of para-20 of the said judgment is as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:

30. The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any law as of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

3. In view of the above principle laid down by the Supreme Court, present petition stands dismissed on the ground of delay and laches.

18.04.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**