

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14561-2015 (O&M)

Date of Decision:-16.04.2018.

Azad Singh

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and
another

.....Respondents

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

Present: Mr. S.P. Chahar, Advocate for the petitioner.

Mr. Amit Jaiswal, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 11.06.2009 (Annexure P-6). Petitioner while working as Salesman on certain allegations relating to misappropriation of kerosene he was subjected to disciplinary proceedings. It was concluded in imposing the penalty of dismissal from service and it was subject matter of litigation before the Labour Court. Labour Court rejected the reference and passed award in favour of the Management. Hence, the present petition.

2.) Petitioner has not apprised this Court relating to delay and laches in challenging the award dated 11.06.2009 in the year 2015.

Supreme Court in the case of **(State of Jammu and Kashmir Vs. R.K.**

Zalpuri and other) reported in **(2015) 15 SCC 602** in para 20 held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation vs. 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 laws of limitation;

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

In view of the principle laid down by the Supreme Court in the aforesaid decision and the fact that petitioner has not explained delay from 2009 to 2015, petitioner has not made out a case so as to entertain the writ petition.

3.) Accordingly, petition stands dismissed on the ground of delay and laches.

(P.B. BAJANTHRI)
JUDGE

April 16, 2018.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.