

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-18378-2016 (O&M)

Date of Decision:-23.02.2018.

Rajinder Kumar

.....Petitioner

Versus

The Presiding Officer, Labour Court, Ambala and another

.....Respondents

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

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Present: Mr. Deepak Sonak, Advocate for the petitioner.

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**P.B. BAJANTHRI, J. (Oral)**

In the instant writ petition, petitioner has challenged the award passed by the Labour Court dated 09.01.2008 (Annexure P-4).

Writ petition was filed only in August, 2016. There is a delay of nearly 8 years. Supreme Court in the case of ***(2015) 15 SCC 602 (State of Jammu and Kashmir Vs. R.K. Zalpuri and other)*** held that under what circumstances writ under Article 226 of the Constitution of India can be entertained in respect of delay and laches. Para 20 and 28 read 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.*

28. *Another aspect needs to be stated. A writ court while deciding a writ petition is required to remain alive to the nature of the claim and the unexplained delay on the part of the writ petitioner. Stale claims are not to be adjudicated unless non-interference would cause grave injustice. The present case, need less to emphasise, did not justify adjudication. It deserved to be thrown overboard at the very threshold, for the writ petitioner had accepted the order of dismissal for half a decade and cultivated the feeling that he could freeze time and forever remain in the realm of constant present.”*

Having regard to delay of 8 years and laches, petitioner has not made out a case.

Accordingly, petition stands dismissed.

**(P.B. BAJANTHRI)**  
**JUDGE**

**February 23, 2018.**

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.