

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25120-2013 (O&M)

Date of Decision:-09.01.2018.

Punjab State Power Corporation Ltd. and others

.....Petitioners

Versus

The Presiding Officer, Industrial Tribunal, Patiala and another

.....Respondents

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

Present: Mr. Mukul Aggarwal, Advocate for the petitioners.

Mr. Madan Mohan, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 05.02.2013 (Annexure P-7) by which the Labour Court has granted compensation of ₹ 40,000/- which shall be paid within two months from the date of publication of the award, failing which respondent-workman is entitled to interest @ 6% per annum from the date of award till its actual realization.

Learned counsel for the petitioner submitted that on 30.06.1985 an office order was issued relating to closure of Anandpur Sahib Hospital Project was published due to which 3000 work charge employees have been held to be surplus. For such of those workers one month's pay in lieu of notice was issued. Consequently, respondent-workman's services were discharged w.e.f. 30.06.1985. In this background, respondent-workman

raised dispute only in the year 1999. Therefore, there is a delay of 13 years. In view of the facts and circumstances, Labour Court has failed to appreciate delay as well as issuance of notice and issuance of office order for one month's pay in lieu of notice has not been taken note of. Perusal of the records, it is evident that no material has been placed so as to whether one month's pay has been extended to the respondent-workman or not. That apart perusal of the office order dated 30.06.1985, it is evident that retrospectively, termination order was passed w.e.f. 30.05.1985. Having regard to these facts and circumstances, award of compensation of ₹ 40,000/- by the Labour Court cannot be interfered. Relating to the ground of delay in raising industrial dispute by the respondent-workman, Supreme Court in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and other** reported in (2015) 15 SCC 602 wherein 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.”*

In view of these facts and circumstances, petitioner has not made out a case.

Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 09, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.