

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 22499 of 2017

Date of Decision: 08.08.2018

Smt. Phoolpati

... Petitioner(s)

Versus

The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and
Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Shekher Dhawan.

Present: Mr. Sandeep Singal, Advocate
for the petitioner(s).

Mr. Pankaj Mulwani, Deputy Advocate General,
Haryana, for respondent No.2.

Shekher Dhawan, J.

Present writ petition is challenge to the impugned award dated 28.01.2009 (Annexure P6), passed by the learned Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak (hereinafter referred to as “learned Tribunal”), whereby reference made by Kartar Singh, deceased husband of the petitioner, was decided in favour of respondent No.2-management illegally and arbitrarily.

Facts relevant for decision of the present petition, Kartar Singh, deceased husband of petitioner-Phoolpati was appointed by respondent No.2-management as Beldar-cum-Mali on 01.07.1988 on daily wages.

Thereafter, on 22.09.1998, his services were terminated verbally and

without assigning any valid reason. On his demand notice dated 15.10.1998

(Annexure P2), the matter was referred to the learned Tribunal in the year 2001. The learned Tribunal, after appreciating the evidence and appraising the record, dismissed the reference vide impugned award dated 28.01.2009 (Annexure P6). Learned counsel for the petitioner contended that workman-Kartar Singh, who is deceased husband of the petitioner died on 29.07.2014.

The learned Tribunal passed the impugned award (Annexure P6) against the deceased husband of petitioner declining his claim in the year 2009. The workman-Kartar Singh died in the year 2014, thereby he was having more than five years to challenge the impugned award but he failed to do so. Moreover, petitioner has challenged the impugned award after lapse of more than three years after the death of her husband. Thus, the impugned award has been challenged after the lapse of more than eight years. The petitioner has failed to give any valid explanation for such a long delay in approaching this Court. In view of the law laid down by Hon'ble the Apex Court on the point of delay and latches, in *Nedungadi Bank Ltd. Vs. K.P. Madhavankutty and Others AIR 2000 SC 839*, present petition stands dismissed.

(Shekher Dhawan)
Judge

August 08, 2018
“DK”

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No