

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

CWP-5289-2018

Date of Decision:06.03.2018

Mahender

... Petitioner

Vs.

Presiding Officer and another

... Respondents

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

Present : Mr. Rakesh Nagpal, Advocate
for the petitioner.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the award passed by the Labour Court dated 19.07.2013 (Annexure P-5).

2. Petitioner is stated to have worked as a Beldar from 1993 to 2004. The same has been disputed by the respondent stating that he has hardly worked for one year. No material has been produced by the petitioner to the extent that during the period from 1993 to 2004, he was working as a Beldar. There is inordinate delay and laches on the part of the petitioner in raising industrial dispute. Reference is of the year 2009.

3. Learned counsel for the petitioner submitted that inordinate delay in raising industrial dispute can be entertained in view of the decision of the Supreme Court in **Raghubir Singh v. General Manager, Haryana Roadways, Hissar**; 2014 (10) Scale 135.

4. Delay and laches could be considered while entertaining writ petition as held by Supreme Court in the case of **State of Jammu and Kashmir v. R.K. Zalpuri and others**; (2015) 15 SCC 602. Extract of para 20 of the said judgment reads as under:

“20. having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation 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 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 later decision read with unexplained delay of more than a decade so also in the absence of any material to show that petitioner has worked from 1993 to 2004, no interference is called for in respect of the award passed by the Labour Court dated 19.07.2013. It is also to be noted that present petition is filed in the year 2018 insofar as challenging order dated 19.07.2013 after a lapse of five year and there is no explanation with regard to filing of present civil writ petition after such a long period. In other words, through out there is delay and laches on the part of the petitioner including while presenting the present petition.

Accordingly, petition stands dismissed.

06.03.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No