

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

LPA No. 1757 of 2015 (O&M)

Date of Decision: 23.10.2018

Kamrudeen

.....Appellant

Versus

Presiding Officer Industrial Tribunal-cum-Labour Court, Gurgaon, Haryana.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, JUDGE  
HON'BLE MR. JUSTICE AVNEESH JHINGAL, JUDGE**

**Present:** Mr. Aazam Khan, Advocate for  
Mr. Mohammad Arshad, Advocate  
for the appellant.

Mr. Randhir Singh, Addl. AG Haryana.

\*\*\*\*

**AVNEESH JHINGAL, J.**

This intra-court appeal has been filed being aggrieved of dismissal of writ petition by learned Single Judge, vide order dated 24.09.2014. The dismissal of reference by the Labour Court, Gurgaon, holding that the appellant was covered by the exception clause of Section 2(oo)(bb) of the Industrial Disputes Act, 1947 ( for short 'the Act') and therefore, no reinstatement could be ordered was upheld.

2. The case of the appellant was that he worked as Mali from 03.02.1993 upto 01.06.1998 with the Divisional Forest Officer, Aravali Project and a demand notice was served on 04.06.1998.

3. The plea taken in the written statement filed before Labour Court was that he was employed for a specific project which was closed on 31.10.1999 and he had not completed 240 days.

4. Learned counsel for the appellant contended that the learned Single Judge, has not considered that Section 25F of the Act was not complied with

and erred in dismissing the writ petition.

5. Learned Single Judge, dismissed the writ petition upholding the finding that the workman was appointed for a specific project. He was a daily wager and was appointed for specific project, hence, his case was covered in exception provided to Section 2(oo)(bb) of the Act and provisions of Section 25-F of the Act would not be attracted. Further, the writ petition was dismissed considering that the petition filed was hit by the principle of delay and laches as the writ petition was filed almost six years after the passing of the award.

6. No justification was put forth either before the learned Single Judge or even now in the appeal for delay of six years in filing the writ petition. It is a case of pursuing a stale claim. Moreover, nothing could be demonstrated that the order of learned Single Judge, was un-sustainable on merits.

7. Accordingly, there is no error in the order passed by learned Single Judge and hence, the appeal is dismissed.

**(AJAY KUMAR MITTAL)**  
**JUDGE**

**(AVNEESH JHINGAN)**  
**JUDGE**

**23.10.2018**

reema

Whether speaking/reasoned  
Whether Reportable:

Yes/No  
Yes/No