

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA no.168 of 2018 (O&M)
Date of Decision : 22.05.2018

Mangal Singh

....Appellant(s)

Versus

The Presiding Officer, Labour Court, Jalandhar and another

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE RAJBIR SEHRAWAT

Present : Ms. Supriya Garg, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

The instant appeal has been filed after an inordinate delay of 1861 days after the decision by the learned Single Judge.

The appellant erroneously approached the Hon'ble Supreme Court and realising the mistake, learned counsel representing the appellant sought permission to withdraw the proceedings which was permitted but the order does not reflect that the appellant ever sought any liberty to approach this Court for an appropriate remedy.

Be that as it may, even if we ignore this, the fact remains that the order of the Hon'ble Supreme Court was passed on 25.11.2016 and the appellant filed present appeal on 21.8.2017. Initially an application was filed under Section 5 of the Limitation Act which was deficient in material

particulars and we permitted the learned counsel for the appellant to withdraw the same vide orders dated 21.3.2018 with liberty to file a fresh one. The present appeal alongwith application for condonation of delay have thus come into being.

We have perused the application and do not find any sufficient reasons to condone the lapse. Despite that we have given our thoughtful consideration to the merits of the case by perusing the judgment of the learned Single Judge and hearing the appellant's counsel in this regard.

The appellant while working as a Turner with the respondent-Management questioned the award dated 19.7.1995 declining the reference questioning the validity of his termination. Learned Single Judge noticed the delinquency of the appellant when he initially proceeded on two days leave but failed to return despite notices. The appellant was duly served with the chargesheet in the year 1986 and inquiry officer appointed to look into his mis-conduct but he defaulted in appearance despite notices being sent to him through post and publication in the newspaper. Eventuality disciplinary proceedings resulted in his termination and upon a reference before the Labour Court same was declined and the termination order upheld.

No plausible explanation has been given by the appellant as to why he did not participate in the inquiry leading to his termination. Even otherwise much water has flown since 1986 when the termination was ordered and thus it would not be worthwhile to unsettle a situation existing for more than three decades, particularly, when the appellant has offered no redeeming feature in his case and has even been unable to show any illegality in the process.

Hence, instant appeal is held to be devoid of any merit and the

same is hereby dismissed on merits as well as on delay.

(Mahesh Grover)
Judge

22.05.2018

rekha

(Rajbir Sehrawat)
Judge

Whether speaking/reasoned Yes/No

Whether reportable Yes/No