

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

LPA No.514 of 2018 (O&M)
CWP No.16769 of 2015
Date of Decision:- 06.04.2018.

Yashdev Sharma

...Appellant

Versus

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

...Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S. WALIA**

Present:- Mr. Dilbagh Singh, Advocate
for the appellant.

Rajesh Bindal, J.

Order passed by the learned Single Judge, dismissing the writ petition, has been impugned by filing the present intra-court appeal.

Challenge before the learned single Judge was to the award of Labour Court dated 24.04.2015, vide which the reference was declined. The appellant also sought to challenge order dated 06.10.2004, vide which, he was terminated from service and order dated 04.05.2005, dismissing the appeal against the order of his termination.

The appellant, in the case in hand, was working as driver with Haryana Roadways. While driving the bus, an accident occurred on 05.11.1991, in which more than 11 persons died. FIR No.331 was registered on that date at Police Station Hansi City. After trial, the appellant was convicted on 25.04.2000. His services were terminated on 06.10.2004. Order of termination

was upheld in appeal on 04.05.2005. Industrial dispute was sought to be raised by submitting the demand notice on 17.08.2012 i.e. more than 7 years after the dismissal of statutory appeal. The relief was declined to the appellant by the Tribunal, upheld by the learned Single Judge is on account of delay and laches.

There is no merit in the submission made by learned counsel for the appellant that the length of service rendered by the appellant prior to the accident i.e. 15 years and subsequent to the accident in question, should have been considered and punishment modified, as the appellant had been performing his duties properly.

This is a case in which statutory appeal of the appellant against the order of his termination was dismissed on 04.05.2005. There was huge delay in raising the industrial dispute of more than 7 years and further in the accident more than 11 persons had died. In such a situation, there cannot be any other punishment than dismissal from service as undue compassion in these cases is resulting in more and more accidents on roads taking lives of the people.

In view of the aforesaid facts, we do not find any error in the order passed by the learned Single Judge. The appeal is accordingly dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

06.04.2018.

rajesh.k.khurana

Whether speaking /reasoned	:	Yes / No
Whether Reportable	:	Yes / No