

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

LPA No. 722 of 2018 (O&M)

Date of Decision: 10.07.2018

Tarkeshwer

.....Appellant

versus

The Presiding Officer of Industrial Tribunal-cum-Labour Court-1, Gurugram
and another

.....Respondents

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**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Bhupinder Malik, Advocate,
 for the appellant.

KRISHNA MURARI, C.J. (oral)

 This appeal under clause X of the Letters Patent has been filed by the appellant-workman challenging the judgment and order of the learned Single Judge dated 19.01.2018 dismissing the writ petition challenging the award.

 Undisputed facts giving rise to the dispute are as under:-

 Services of the petitioner-appellant who was an employee of the respondent-Municipal Committee were dispensed with in March-1997. For the first time he raised the dispute in the year 2012. The Labour Court where the dispute was referred to for adjudication proceeded to dismiss the claim being highly barred by time.

 Aggrieved by the same, the appellant-petitioner approached this Court by filing a writ petition. The learned Single Judge relying upon a pronouncement of the Apex Court in *State of Jammu & Kashmir Vs.*

R.K.Zalpuri and others 2015(15) SCC 602 wherein it was held that “a Writ Court while deciding a writ petition is required to remain alive to the nature of the claim and the unexplained delay on the part of the writ petitioner. Stale claims are not to be adjudicated unless non-interference would cause grave injustice. The present case, need less to emphasize, did not justify adjudication. It deserved to be thrown overboard at the very threshold, for the writ petitioner had accepted the order of dismissal for half a decade and cultivated the feeling that he could freeze time and forever remain in the realm of constant present.”

In the case in hand, the delay and latches on the part of the appellant is 15 years. The Labour Court in our opinion, as also confirmed by the learned Single Judge, did not commit any illegality in throwing out the reference of the appellant on the ground of delay and latches of almost 15 years in raising the dispute.

In view of the above facts and discussion, we do not find any illegality either in the award or in the judgment of the learned Single Judge affirming the same.

The appeal accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

10.07.2018

ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√