

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.974 of 2018
Date of Decision :07.09.2018

Balbir Singh

.....Appellant

Versus

Presiding Officer, Labour Court, Hisar and another

..... Respondents

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

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

KRISHNA MURARI, CHIEF JUSTICE (Oral):

This *intra court* appeal, under clause X of the letters patent, has been filed by the appellant-workman challenging the judgment and order dated 08.03.2018, passed by the learned Single Judge dismissing the writ petition filed by him challenging the award of the Labour Court.

Undisputed facts are that the petitioner was engaged on daily wage basis in the month of July, 1994 with the respondents and worked up to 1.4.1999 with certain breaks. A demand notice was issued by the appellant-petitioner on 20.05.1999 and reference was made in the year 2000. A claim petition was filed on 22.01.2007 and the award was made on 7.11.2008, rejecting the claim of the workman/appellant. After examining the material brought on record, Labour Court returned a finding that the termination of the workman cannot be held to be illegal in any manner nor his claim for reinstatement was permissible in law. It was further held that

his removal falls under Section 2(oo) (bb) of the Industrial Disputes Act. Learned Single Judge before whom the said award was put to challenge after about the delay and laches of 5 years, dismissed the writ petition as barred by laches, relying upon the judgment of the Hon'ble Apex Court rendered in the case of **State of Jammu and Kashmir Vs. R.K.Zalpuri and others (2015) 15 SCC 602**.

Having gone through the award of the Labour Court, the judgment of the learned Single Bench and other material brought on record, we see no illegality in the impugned judgment of the learned Single Judge which may require any interference by us. The appeal being devoid of merit stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

07.09.2018

Manoj Bhutani

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