

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

LPA-982-2018 (O&M)

Date of decision:- 13.09.2018

Balbir Singh

...Appellant

Versus

Industrial Tribunal, Bathinda and others

...Respondents

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

Present:- Ms. Sukhmani Patwalia, Advocate,
for the appellant.

* * * *

KRISHNA MURARI, C.J. (ORAL)

This intra-court appeal under the provisions of the Letters Patent is directed against the judgement of the learned Single Judge dated 23.03.2018 dismissing the writ petition filed by the petitioner (appellant herein) on the ground of delay and laches.

2. By filing the petition in 2014, challenge was made to an award passed by the Labour Court dated 15.11.2010, whereby the claim of the appellant-workman was dismissed on the ground that his engagement was on daily wages basis and as per terms and conditions of his appointment order, the services were liable to be terminated at any time without any notice or assigning any reason. It was further held that since the appellant-workman had failed to complete 240 days in proceeding 12 calendar months, as such, the termination of services in accordance with the terms of appointment cannot be faulted with.

3. Admittedly, the appellant invoked jurisdiction of this Court after four years and one month of the passing of the award, there being no plausible explanation for this inordinate delay and laches. It is well settled principle of law by the

following pronouncements of the Hon'ble Apex Court that delay and laches disentitles a litigant from invoking the extra-ordinary jurisdiction conferred upon this Court under Article 226 of the Constitution of India. Reference may be made to the pronouncement of the Hon'ble Apex Court in the matter of *U.P. Jal Nigam and another Vs Jaswant Singh and another* (2006) 11 SCC 464 holding that such persons who are not vigilant and do not wake up to challenge are not entitled to be extended the benefit.

4. In a more recent judgement in the case of *Chennai Metropolitan Water Supply and Sewerage Board and others Vs T.T. Murali Babu* 2014(4) SCC 108, the Hon'ble Apex Court has held as under:-

"Now the doctrine of laches in Courts of Equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases, are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as relates to the remedy."

5. Thus, it stands well settled that the doctrine of delay and laches should not be lightly brushed aside. While exercising an extra-ordinary writ jurisdiction, the Courts are under obligation to protect the rights of citizens, but similarly, the Courts have to remain alive to the primary principles that when an aggrieved person without adequate reason invokes the jurisdiction of the Court at his own leisure, there is always a legal obligation to scrutinize whether the lis at a belated stage is liable to be entertained or not. Needless to say that delay stands in the way of equity. Delay in approaching the Court is not liable to be ignored without any justification.
6. In view of the above, we find no illegality in the judgement of the learned Single Judge dismissing the writ petition on the ground of delay and laches. The impugned judgement does not require any interference.
7. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.09.2018
Amogh

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