

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 07.02.2019****CWP No.3389 of 2019**

Prema

...Petitioner

Vs.

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Arun Singla, Advocate,
for the petitioner.**RAJIV NARAIN RAINA, J. (ORAL)**

1. This petition is directed against the order dated 12.06.2017, passed by the Government of India in the Ministry of Labour, New Delhi acting as the appropriate government declining reference of the dispute regarding termination to the Labour Tribunal.

2. The services of the petitioner were terminated 36 years ago and it is for this reason that the dispute under Section 2A of the Industrial Disputes Act, 1947 has been rejected on the ground of delay. In the opinion of the Central Government, the dispute is not fit for adjudication.

3. Though the order of reference is an administrative order and no period of limitation is prescribed under the Act to take recourse to Section 10(1)(c) read with Section 2A of the Act, yet with the passage of three & a half decades the delay cannot be said to be reasonable time in raising a dispute regarding termination of service. The dispute was raised for the first time by a demand notice dated 24.10.2015. The delay in raising the dispute

in this case has not been explained by sufficient cause. As said earlier, there may be no limitation in Section 10 of the ID Act, but still the words "at any time" in Section 10 are to be read with reasonable curtailments of time. See, Regional Provident Fund Commissioner Vs. K.T. Rolling Mills, 1995(2) SCT 676: (1995) 1 SCC 181. The Supreme Court observed that when a power is conferred by statute without mentioning the period within which it could be invoked, the same has to be done within reasonable period, as all powers must be exercised reasonably, and exercise of the same within reasonable period would be a facet of reasonableness.

4. On 15.09.2010, the Industrial Disputes Act was amended to prescribe a limitation of three years in sub-section (3) of Section 2A counted from the date of termination. The rigours of delay and laches have set in to make the belated claim stale and dead. It would be rather unfair and inequitable to wake up the respondent Board, in this case, after an inordinate delay of 36 years.

5. I would therefore, find no patent error or illegality in the impugned order declining reference in the special facts and circumstances of the case and would accordingly dismiss the petition.

07.02.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>