

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25616 of 2018

Date of Decision: 26.02.2019

Ramyan

... Petitioner

Versus

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

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Suram Singh Rana, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. The claim for overtime wages for the period 1990 to 2013 made are completely vague, bald and without any precision and without pleading necessary facts and figures to duly support the application filed under Section 33-C (2) of the Industrial Disputes Act, 1947. The application has been dismissed by the learned Labour Court, Jalandhar which has brought the petitioner to this Court in challenge to the order. The Labour Court has held that the workman has been unable to show that the claim was a pre-existing right which could be computed in terms of money. The second reason for dismissing the application is that no documentary evidence was produced to support the plea of overtime allowance spread over 23 years. To which I may add that the approach before the Labour Court was highly belated and that is another reason why the application deserved to be disallowed. By long delay and laches, management may not be in a position to produce record after passage of many years, which evidence might have been available had the action been brought within reasonable time, but may

be irretrievably lost to time and tide. This is even when no limitation is prescribed for applications under Section 33-C (2) of the Act. A party who delays in enforcing rights will not be able to seek equitable relief.

2. The petition has no legs to stand on and is accordingly dismissed.

26.02.2019
manju

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No