

04-02-2021
ct no. 13
Sl.20
pk

**WPA 4881 of 2020
(Through Video Conference)**

**Krishna Chandra Das
Versus
Union of India and others**

Mr. Surojit Samanta,
Mr. Biswajit Samanta
... for the petitioner.

Ms. Rama Ghosh Dastidar
... for the Union of India.

Affidavit of service filed in Court is taken
on record.

Pursuant to an order dated 18th
November, 2014 passed in FMA 487 of 2014,
the respondent no. 2, M/s. Instrumentation
Limited paid a sum of Rs.5,813/- to the
petitioner in the year 2015. The said cheque has
not been encashed. The petitioner claims to
have served the employer for 17 years whereas
the employer has held that he has served only 6
years.

The petitioner claims that he has not been
treated similar to 8 persons mentioned in the
letter dated 23rd February, 2015 issued by his
advocate to the employer.

This Court notices the writ petition itself
is hopelessly barred by delay and laches since

the petitioner has been sleeping in the matter from the year 2015. This Court further finds that the matter involves disputed questions of fact and cannot be decided in the writ jurisdiction.

Be that as it may, this Court is of the view that no relief can be granted to the writ petitioner under Article 226 of the Constitution of India and the petitioner may agitate his cause of action before the Industrial Tribunal under the provisions of the Industrial Disputes Act, 1947.

The Tribunal may decide the matter strictly in accordance with law.

With the aforesaid observations, the instant writ petition is dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)