

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

CWP-5667-2022 (O&M)

Date of decision: October 12, 2022

Shyam Sunder

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Ms. Priya, Advocate for
Mr. Rohit Mittal, Advocate for the petitioner.

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4. I have heard learned counsel for the parties and perused the record.

5. Under challenge herein is the award dated 28.01.2021 (Annexure P-1) rejecting the claim of the petitioner to be reinstated into service, which is premised on the following reasons:

“16. The workman has claimed that he was appointed as a ‘Peon’ on 13.12.1992 but Ex.M1 to Ex.M7 shows that he was engaged as a casual labour and no post of ‘Peon’ was given to him. From the RTI information as well as the evidence of the respondent it is proved that the workman has not completed 240 days in the last preceding year therefore the services of the workman can be retrenched without following the procedure given under Section 25(F) of the ID Act.

17. The respondent after amendment in the written statement has raised a specific objection that the present case is barred by limitation. PW-1 workman when came into the witness box has admitted that he filed the present case after the lapse of 20 years. The case law relied upon by the respondent held that if a litigant slept over his right he is not entitled for the relief. This Court is also of the view that the workman if aggrieved should have approached the Court within the limitation but he failed to do so therefore the present case is hit by the limitation hence the plea of the respondent is allowed in this regard.

18. In the light of above discussion, this Court find no merit in the present case accordingly issue No.1 is decided against the workman and in favour of the respondent.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

October 12, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No