

Sr. No.333

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-19396-1996

Date of decision: 06.04.2022

Satyavan

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sanjeev Manrai, Senior Advocate with
Mr. D.K. Sharma, Advocate,
For the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is *inter alia* seeking issuance of a writ in the nature of mandamus directing the respondents to refer the Industrial dispute raised by the petitioner for adjudication to the Labour Court.

Petition was admitted on 05.03.1997 and it was ordered to be heard after the decision of Full Bench in CWP No.6004-1995.

Having heard rival contentions, I am unable to persuade myself with the submissions of learned Senior counsel on the short ground that concededly the petitioner sent his demand notice seeking claim therein to respondent No.2-his employer after about 6 years and no plausible explanation has been given in the demand notice or even subsequently in course of conciliation proceedings leading to the passing of the impugned order declining the reference of the petitioner. Even otherwise, this petition was filed in the year 1996, quarter of century ago. Seeking the claim as prayed for, at this stage is highly impractical as well as stale.

Learned Senior counsel relies on judgment rendered by Hon'ble Apex Court in Civil Appeal No.2790 of 2006 titled as "***Personal Manager, SBI and another Vs. Krishna Grameen Bank Employees Union and Another***" decided on 28.11.2007.

No doubt, as is being canvassed by learned Senior counsel with which I am in agreement that, reference cannot be denied merely on the ground of delay and laches, given that financial worthiness of the poor labourers/workmen make them ill-equipped to seek their remedies on time

since they have to work hard to be able to muster their means to approach for legal aid. But merely because of that, it does not exempt them for explaining the inordinate delay of as long as 6 years, as has happened in the present case.

No grounds are made out to interfere on merits as well as for lack of explanation on delay.

Dismissed.

06.04.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No