

CWP No.24105 of 2021 (O&M)
Date of Decision: 25.04.2022

GAJANAND PRIDWAL

.....Petitioner

Versus

M/S JWT COMPANY, HINDUSTAN THOMSON ASSOCIATE PVT.
LTD AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Amit Jhanji, Senior Advocate with
Mr. A.K. Premi, Adocate,
for the petitioner.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of appropriate writ, orders or directions especially in the nature of Certiorari for setting aside the impugned order dated 07.09.2021 (Annexure P-13) passed by the Additional District Judge, Gurugram (for short, the Appellate Authority), whereby the application filed by the petitioner under Section 5 of the Limitation Act, 1963; in an appeal under Section 17 of the Payment of Wages Act, 1936 for seeking condonation of delay of 2 years has been dismissed.

A perusal of the order passed by the Appellate Authority shows that the appeal has been dismissed as having been barred by limitation. The rule applicable qua the limitation for filing of the appeal prescribes 30 days time. However, the appeal has been filed after a delay of about two years. Although the petitioner tried to explain cause for delay in filing the appeal

by submitting that he had approached the Legal Services Authority for providing him a counsel and much time was taken by the Legal Services Authority, which resulted in delay, however, the Appellate Authority has also recorded the fact that the petitioner had approached even the Legal Services Authority after delay of three months. Moreover, there is no explanation worthwhile qua the delay of that three months which the petitioner had consumed before approaching the Legal Services Authority. Hence, this Court does not find any ground to interfere with the order passed by the Appellate Authority.

In view of the above, the present petition is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

25.04.2022
sandeep

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No