

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

(213)

LPA-2028-2017
Date of Decision:-15.09.2022.

Miyan Singh

.....Appellant

Versus

The Presiding Officer, Labour Court, Ambala and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

Present: Mr. Rahul Jain, Advocate for the appellant.

Mr. Deepak Bhardwaj, DAG, Haryana.

AUGUSTINE GEORGE MASIH, J. (Oral)

Challenge in this appeal is to the judgment passed by the learned Single Judge dated 14.07.2017, whereby the writ petition preferred by the appellant challenging the Award dated 10.09.2013 (Annexure P-1) passed by the Labour Court, Ambala, rejecting the reference made to the Labour Court on a demand notice being raised by the appellant, had been dismissed.

Learned counsel for the appellant contends that the learned Single Judge has proceeded to dismiss the writ petition on the ground of delay and laches. Merely because four years have passed by since the date of passing of the Award in itself should not have been taken as a ground for denying the discretionary relief under the writ jurisdiction when equity should have been invoked by the Court to entertain the writ petition and gone to the merits of the case. His further contention is that the Labour

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Court also has proceeded to decide the matter ignoring the settled principles of law and, therefore, the present appeal may be allowed and the case be remanded to the Single Bench for fresh decision on merits.

Learned counsel for the respondents, on the other hand, contends that at the time of making a demand after the termination of the services of the workman in the year 2003, the said demand notice was in the year 2008 i.e., after a period of five years. That being one of the reasons why the learned Single Judge has not entertained the writ petition being delayed at the end of the appellant at each stage of the case. That apart, delay of four years in approaching the Court by way of the writ petition after the Award has been passed has also been rightly taken into consideration by the learned Single Judge. He, on this basis, contends that the present appeal deserves to be dismissed.

Having considered the submissions made by the counsel for the parties, we are of the considered view that the order passed by the learned Single Judge dated 14.07.2017 does not call for any interference. A person who is wanting an equitable relief at the hands of the Court in exercise of its extraordinary powers under Article 226 of the Constitution of India is supposed to and expected to approach the Court at the earliest. The explanation which has been put-forth by the petitioner in the writ petition for the inordinate delay of four years is not sufficient enough for explaining the said period. The financial incapability and indebtedness, which has been projected as a ground for not approaching the Court earlier itself cannot be accepted specially when there is a long delay in approaching the Court. That apart, all-through the appellant had been lethargic and sleeping over

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his rights. At the stage of even raising a demand on his termination in the year 2003, there has been an unexplained inordinate delay of five years. The demand notice is dated 20.06.2008. With such being the conduct of the appellant, the learned Single Judge has rightly proceeded to dismiss the writ petition, which has been preferred by the appellant. We do not find any ground which would persuade us to take a different view from the one which has been taken by the learned Single Judge.

In the light of the above, we do not find any illegality in the order dated 14.07.2017 passed by the learned Single Judge which would call for any interference by this Court in the present appeal.

The appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

September 15, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No