

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

**CM-2096-LPA-2021 in/and
LPA-874-2021 (O&M)
DECIDED ON: 2nd JUNE, 2022**

HARYANA TOURISM CORPORATION LTD.

.....APPLICANT/APPELLANT

VERSUS

**THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, ROHTAK AND OTHERS.**

.....RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Deepak Sabherwal, Advocate
for the applicant/appellant.

AUGUSTINE GEORGE MASIH, J (ORAL)

CM-2096-LPA-2021 and LPA-874-2021

Prayer in this application is for condonation of delay of 1870 days in filing the appeal.

The reasons for which the delay has occurred are that initially, on 21st July, 2014 when the writ had come up before learned Single Judge, the same was dismissed for non-prosecution. An application for restoration was preferred by the appellant, which was dismissed by this Court vide order dated 8th November, 2016 by observing that the said application is not maintainable, however, liberty to file a review application was granted. A review application had been preferred on 3rd April, 2017, which application had been dismissed vide order dated 9th July, 2019 and it is thereafter, that the present appeal has been preferred on 15th March, 2021.

However, counsel for the applicant is unable to explain the further delay in filing the present appeal.

The primary grievance, which has been highlighted by the Counsel for the applicant is that in the writ petition which has been preferred by the appellant, challenge was to the award dated 1st October, 1992 (Annexure P-4) passed by the Labour Court wherein, it was held that the private respondent was entitled to the same pay and grade, as was being granted to the Diesel Pump Operators working in the Haryana Roadways.

The plea of the Counsel for the applicant is that the appellant-Corporation has its own statutory rules as also the standing orders and therefore, the same would be applicable and not as is applicable to the employees of the Government, especially the Haryana Roadways, being an autonomous body.

Assertion has also been made that although, the amount of relief which would accrue to the respondent is meagre Rs.10,000/- but keeping in view the principle involved and since it may be a precedent where other employees may also approach the Court for the same relief, the matter is being heard.

Having considered the submission made by the Counsel for the applicant, we do find some weight in the arguments as have been raised by the counsel for the applicant.

It would not be out of place to mention that the writ petition was not decided on merits. Rather the same was dismissed for non-prosecution of the counsel. Keeping the principle and the question of law open, we dismiss the application for condonation the appeal as well as main appeal

being barred by limitation.

CM-2095-LPA-2021

In view of the dismissal of the application for condonation of delay in filing the appeal and also the appeal, no order is required to be passed in the present application for condonation of delay of 119 days in re-filing the appeal and the same stands disposed of as infructuos.

(AUGUSTINE GEORGE MASIH)
JUDGE

2nd JUNE, 2022
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*