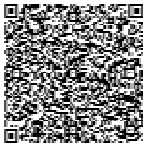


LPA-1209-2024 (O&M)

2024:PHHC:172217-DB



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-2609-LPA-2024 in/and
LPA-1209-2024 (O&M)
Date of decision: 09.12.2024

Indraj

..... Petitioner(s)

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and
others

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Ms. Jyoti Chahal, Advocate for appellant.

LISA GILL, J.

CM-2609-LPA-2024

1. For the reasons mentioned in the application as well as arguments addressed, delay of 121 days in filing the appeal is condoned.
2. Application is, accordingly, disposed of.

LPA-1209-2024 (O&M)

1. Prayer in this appeal is for setting aside order dated 13.12.2023, passed by learned Single Bench whereby CWP No. 18406 of 2015, filed by appellant-writ petitioner has been dismissed.

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2. Appellant-writ petitioner filed CWP No. 18406 of 2015 for setting aside award dated 15.12.2008, passed by learned Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak (hereinafter referred to as the Tribunal) whereby reference of industrial dispute raised by him was answered against him. Appellant-writ petitioner pleaded that he was working with respondent-Management as Beldar-cum-Mali on daily wage basis since 01.06.1991. However, on 01.12.1996 his services were terminated without assigning any reason. It was pleaded that appellant had completed more than 240 days of service in each Calender year and that his juniors had been retained in service by respondent-Management. Appellant claimed termination of his services to be in violation of provisions of Sections 25-F, 25-G and 25-H of Industrial Disputes Act, 1947 (for short 'the I.D. Act') as well as against the settlement made by respondent-Management with the Worker's Union, wherein it was decided that workmen who have completed 240 days, shall not be removed from service, without giving any prior notice or by violating seniority list. Appellant claimed reinstatement with continuation in service and all other consequential benefits.

3. Learned Tribunal on considering the facts and circumstances rejected appellant's claim vide award dated 15.12.2008. CWP No. 18406 of 2015 was filed by appellant (writ petitioner) challenging award dated 15.12.2008, after a lapse of over six years. Learned Single Bench concluded that no plausible reason was forthcoming for delay in challenging award dated 15.12.2008 and that appellant filed writ petition only after passing of decision dated 25.09.2012 in CWP No. 23745 of 2011 filed by another Workman in which he had been reinstated with his services regularized as well. Writ petition was, accordingly, dismissed. Aggrieved therefrom, present appeal has been filed.

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4. Learned counsel for appellant vehemently argues that cause of action arose to appellant to approach this Court not only on passing of Award dated 15.12.2008 but also in the year 2015 when he came to know that his juniors had not only been reinstated in service but were given the benefit of regularization as well. Appellant, it is submitted, is a poor person and is not cognizant of his rights, therefore, delay in filing the writ petition should not be held against him. It is, thus, prayed that this appeal be allowed.

5. We heard learned counsel for appellant at length and have gone through the file carefully.

6. It is a matter of record that Reference in question was declined by learned labour Court way back on 15.12.2008. Appellant chose not to challenge the said Award and it is apparent that he had accepted the same. CWP No. 23745 of 2011, filed by other workman was decided on 25.09.2012. Writ petition challenging Award dated 15.12.2008 was filed nearly four years thereafter. It is not as if the appellant had immediately filed writ petition, even after passing of decision dated 25.09.2012.

7. Learned counsel for appellant is unable to point out any ground whatsoever which justifies inaction on the part of appellant in this regard. Undoubtedly there is no period of limitation prescribed for filing a writ petition, however, it is a settled position that writ petition should be filed within a reasonable time of arising of cause of action. Court is not expected to come to aid of a litigant who sleeps over his rights without any reasonable, sufficient or plausible reasons. Gainful reference in this regard can be made to decision of Hon'ble the Supreme Court in **K.R. Mudgal versus R.P. Singh 1986 (4)SCC 531, B.S. Bajwa versus State of Punjab 1998 (2) SCC 523 and Bichitrananda Behera vs State of Orissa and others 2023 AIR Supreme Court 5064.**

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8. In the given facts and circumstance, we do not find any illegality, infirmity or perversity in the impugned order dated 13.12.2023 which calls for interference.

9. No other argument has been addressed.

10. Keeping in view the facts and circumstances as above, this appeal is accordingly dismissed with no order as to cost.

11. Pending miscellaneous application(s), if any, stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

09.12.2024

Sunil/rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No