

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CWP-16961-2016
Date of Decision: 10.01.2024

Hans Raj

.... Petitioner

Versus

Presiding Officer and another

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Naresh Kaushik, Advocate for the petitioner.

Mr. Satish Singla, AAG, Haryana.

SANJAY VASHISTH, J.(Oral)

1. Present writ petition has been filed by the workman, challenging the award dated 30.09.2009 (Annexure P-1).

2. Brief facts of the case are that the workman was appointed as peon on 24.01.1994 on daily wages in the department of respondent No.2 i.e. The District Excise and Taxation Commissioner, Rohtak (Management). The service of the workman was terminated on 29.02.1996 verbally and without assigning any reason or reasonable cause.

After the period of four years, he issued one demand notice dated 03.01.2000(Annexure P-5) which culminated into the framing of Reference No.086 dated 18.11.2005. Thereafter, claim statement dated 20.02.2016 (Annexure P-2) was filed by the petitioner. The impugned award was decided on 30.09.2009 by

respondent No.1 i.e. Industrial Tribunal-cum-Labour Court, Rohtak, whereby action of the Management was held to be justifiable.

3. Learned counsel for the Management argued that firstly the demand notice itself was issued beyond the statutory period of three years. He further submits that as per Section 2 A(3) of the Industrial Disputes Act, 1947, any termination order could be challenged by issuance of demand notice within a period of three years. Learned counsel further submits that the impugned award is dated 30.09.2009, whereas the present writ petition has been filed by the petitioner in July, 2016 i.e. after a period of about seven years, thus, there is unexplained delay in filing the writ petition, itself.

4. Considering the delay part attributed by management against the workman, this Court is also of the view that even on the principle of equity, workman is not entitled to the relief claimed.

Even if, lenient view is taken in regard to the issuance of Demand Notice after about 4 years, instead of 3 years, there is a huge delay of about 7 years in filing the present writ petition. Thus, conduct of the petitioner himself is enough to deny the relief claimed by him.

Accordingly, present writ petition is dismissed on the ground of delay and laches.

January 10, 2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no