

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:169849-DB



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LPA No. 2646 of 2024 (O&M)
Date of decision: 18th December, 2024

Rai Singh

..Appellant

Versus

The Presiding Officer, Labour Court, Ambala and another

..Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL.

HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

Present: Mr. J.S. Cooner, Advocate for appellant.
Mr. Sukhdeep Parmar, Sr. DAG Haryana.

LISA GILL, J(Oral)

1. Prayer in this appeal is for setting aside order dated 03.10.2024 passed by learned Single Bench whereby the writ petition filed by present appellant (writ petitioner) has been dismissed.

2. Appellant claimed to be a workman on daily wages with the respondent-Department for preparation of nurseries, making ridges for plantation of plant, watering the plants, weeding out unnecessary plants, doing earth work, filling of polythene bags for sowing seeds, taking care of plants etc. Industrial dispute was raised by workman/appellant which led to passing of award dated 30.07.2018. He claimed illegal termination of his services on 1.11.2017. Learned Labour Court, Ambala vide award dated 30.07.2018 dismissed the claim petition finding no merits therein. Said award was challenged by the appellant by filing CWP No. 10470 of 2024, in May 2024. Learned Single Bench while considering the facts and circumstances dismissed the writ petition on the ground of delay and laches while observing that no

plausible reason has been set forth for such delay in filing of the writ petition.

Aggrieved therefrom, present appeal has been filed.

3. Learned counsel for appellant vehemently argues that dismissal of writ petition filed by the appellant on the ground of delay and laches is totally unjustified as there is no limitation prescribed for filing of the writ petition. It is submitted that delay in filing the writ petition has occurred due to outbreak of pandemic COVID-19 and that counsel representing the appellant before the Labour Court who had assured filing of writ petition had also passed away.

4. Mr. Sukhdeep Parmar, Sr. DAG Haryana, learned counsel for State (on advance notice) opposes the appeal while submitting that appellant was unable to prove his relationship as an employee with the department and that there is no explanation for delay in filing of the writ petition. Impugned award as well as the order dated 03.10.2024 passed by the learned Single Bench are liable to be upheld, having been passed after considering the facts and circumstances of the matter.

5. We have heard learned counsel for the parties and have gone through the file with their able assistance.

6. It is a matter of record that claim of the appellant was rejected by learned Labour Court vide award dated 30.07.2018. Writ petition was filed in the May 2024. Perusal of writ petition reveals that there is no mention of any reason whatsoever, leave alone a plausible one, for delay in filing the writ petition.

7. Doubtlessly, there is no limitation for filing writ petition but at the same time it is a settled position that necessary steps should be taken within a reasonable time. Gainful reference in this regard can be made to judgments of Hon'ble the Supreme Court in **Bharat Coking Coal Ltd. and others vs.**

Murugesan and others (2022) 2 SCC 25; State of Orissa and another vs. Laxmi Narayan Das (Dead) through LR's and others 2023 LiveLaw (SC) 527 and Bichitrananda Behera vs. State of Orissa and others 2023 AIR (SCC) 5064.

8. Submission of learned counsel for appellant that delay has occurred on account of outbreak of Pandemic COVID-19 and death of the counsel representing appellant before learned Labour Court, who had assured filing of writ petition, is of no avail to him. Award was passed in July 2018 whereas pandemic COVID-19 broke out in March 2020. Date of death of the counsel is not available on record, though learned counsel for appellant submits that said counsel passed away in April 2020.

9. Be that as it may, we do not find any infirmity, illegality or perversity in impugned order dated 03.10.2024. Writ petition indeed suffers from delay and laches and has been correctly dismissed on the said ground.

10. Appeal is accordingly dismissed being devoid of any merit.

(LISA GILL)
JUDGE

18th December, 2024

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(SUKHVINDER KAUR)
JUDGE

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