IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.4568 of 2025
Decided on: 13.05.2025

Gitanand … Petitioner

Versus

State of H.P. & another … Respondents

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?[1]Yes

For the petitioner	:	Mr. Suneel Awasthi, Advocate.
For the respondents	:	Mr. Pushpinder Jaswal, Additional Advocate General.

Ajay Mohan Goel, Judge (Oral)

Notice. Mr. Pushpinder Jaswal, learned Additional Advocate General, accepts notice on behalf of the respondents. By way of this petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

> "*(i) That writ in the nature of certiorari may kindly be issued and Award dated 20.07.2012 may kindly be quashed and set-aside.*
>
> *(ii) That the writ of mandamus may kindly be issued directing the respondents to reengage the petitioner from the date of his termination and to grant all the consequential reliefs.*"

2. The Award dated 20.07.2012, passed by learned Labour Court (Annexure P-4), has been assailed by way of this petition after almost thirteen years. Leaned counsel for the petitioner has referred to Para-7 of the petition to explain the delay, which is quoted

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

hereinbelow:-

> "*That there is a delay of about 12 years in filing the present civil writ petition because of serious health issues. The petitioner while discharging duties with respondent as JCB Operator suffered from Gangrene as he was performing duties on snow bound areas. The health record of the petitioner is annwxed with this writ petition as Annexure P-5. Thus the petitioner prays for condoning the delay in filing the present writ petition due to his medical condition.*"

3. Having heard learned counsel for the petitioner and having perused the averments made in Para-7 of the petition, this Court is of the considered view that the reasons mentioned therein do not even remotely satisfy the delay and laches in approaching the Court after thirteen years. It is nowhere mentioned as to when the petitioner suffered from Gangrene etc. and he was so incapacitated that he could not have had taken steps to assail the Award passed by learned Labour Court and there was none in the family through whom he could have had pursued the matter.

4. Incidently, the medical record appended by the petitioner as Annexure P-5, demonstrates that the petitioner was visiting both Shimla as well as Ner Chowk, in District Mandi, H.P. for his treatment. If that is so, it is not understood as to what prevented the petitioner from assailing the Award when he was in Shimla and that too, as an outdoor patient. This clearly demonstrates that filing

of the reasons mentioned in Para-7 of the petition are nothing, but an afterthought to justify the delay of thirteen years.

5. Therefore, as this Court does not finds any reason to entertain the petition after thirteen years of the passing of the Award under challenge, the petition is dismissed on account of delay and laches. Pending miscellaneous applications, if any, also stand disposed of.

(Ajay Mohan Goel)
Judge

May 13, 2025
(Rishi)