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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-3670-LPA-2025 in/and
LPA-1497-2025
Date of decision : 18.08.2025

Raj Kumar Chaurasia

... Appellant

Versus

The Presiding Officer Labour Court-II, Gurugram and another

.. Respondents

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

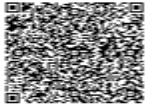
Present:- Mr. Neeraj Kumar, Advocate for
Ms. Priyanka, Advocate for the applicant/appellant.

Anupinder Singh Grewal, J. (Oral)

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1. This is an application seeking condonation of delay of 551 days in preferring the appeal.
2. Learned counsel for the applicant/appellant submits that the applicant did not have the financial resources to engage a counsel and therefore, the appeal could not be filed within stipulated period.
3. Heard.
4. The application for condonation of delay has been filed in a cryptic manner and the same is reproduced hereunder:-

“1. That the appellant is filing the accompanying appeal, which is likely to be succeed on the basis of grounds mentioned therein.



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2. That due to the termination from the services, the appellant is facing financial crisis, due to the reason, the appeal could not file the present appeal. After arranging the funds from their relatives and friends, the appellant immediately contacted the present counsel for filing the accompanying appeal.

3. That but during the period a delay of 551 days occurred, which was not intentional, but due to the reason stated above.

It is, therefore, requested to kindly allow the present application and condone the delay of 551 days in filing the accompanying appeal, in the interest of justice.”

4. Besides the bald averments in the application that the applicant was facing the financial difficulty, there is no material to substantiate this aspect. The Supreme Court has considered the aspect of delay in approaching the Court in the case of ***Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy and Ors. reported in (2013)12 SCC 649*** and held as under :-

"21. From the aforesaid authorities the principles that can broadly be culled out are:

i) There should be a liberal, pragmatic, justice-oriented, non-pedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

ii) The terms “sufficient cause” should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact- situation.

iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

v) Lack of bonafides imputable to a party seeking condonation of delay is a significant and relevant fact.



vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

vii) The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.

viii) There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.

ix) The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.

x) If the explanation offered is concocted or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation.

xi) It is to be borne in mind that no one gets away with fraud, misrepresentation or interpolation by taking recourse to the technicalities of law of limitation.

xii) The entire gamut of facts are to be carefully scrutinized and the approach should be based on the paradigm of judicial discretion which is founded on objective reasoning and not on individual perception.

xiii) The State or a public body or an entity representing a collective cause should be given some acceptable latitude.

22. To the aforesaid principles we may add some more guidelines taking note of the present day scenario. They are: -

a) An application for condonation of delay should be drafted with careful concern and not in a half hazard manner harbouring the notion that the courts are required to condone delay on the bedrock of the principle that adjudication of a lis on merits is seminal to justice dispensation system.



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b) An application for condonation of delay should not be dealt with in a routine manner on the base of individual philosophy which is basically subjective.

c) Though no precise formula can be laid down regard being had to the concept of judicial discretion, yet a conscious effort for achieving consistency and collegiality of the adjudicatory system should be made as that is the ultimate institutional motto.

d) The increasing tendency to perceive delay as a non-serious matter and, hence, lackadaisical propensity can be exhibited in a nonchalant manner requires to be curbed, of course, within legal parameters.”

5. In view of the above, we are of the considered opinion that the appellant has not been able to satisfactorily explain the huge delay of 551 days in preferring the appeal. The applicant/appellant ought to have been vigilant in seeking redressal of his grievance promptly.

6. Consequently, the application seeking condonation of delay is dismissed.

Main appeal

1. After having heard the learned counsel for the appellant at some length, we are examining the appeal on merits as well.

2. The appellant has challenged the judgment passed by the Single Bench on 09.10.2023 in CWP No.24135-2015, whereby the award of the Industrial Tribunal-cum-Labour Court-II, Gurgaon (hereinafter referred to as, ‘the Tribunal’) has been upheld.

3. Learned counsel for the appellant submits that the appellant was working as a Technician Trainee since 17.09.2007 with M/s Suzuki Powertrain India Ltd. and was drawing a monthly salary of Rs.12,000/- after all legal deductions. He had worked for close to three years and had an unblemished



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service record. After obtaining due permission, the appellant had proceeded on leave from 08.12.2010 to 18.12.2010 to attend his sister's marriage. However, on 20.12.2010, his resignation was fraudulently obtained by the Management on a letter dated 16.12.2010.

4. Heard.

5. The appellant is stated to have joined as Technician Trainee with respondent No.2 on 17.09.2007. He had allegedly submitted his resignation on 16.12.2010 which had been accepted by the Management. The appellant did not take any steps for over 05 months, after which he had sent a legal notice dated 28.05.2011 and also raised an industrial dispute before the Tribunal. After having perused the material on record, the Tribunal, by the award dated 09.01.2015, had arrived at a finding that he had voluntarily tendered his resignation on 16.12.2010 (Exhibit M-3), as he had not only admitted his handwriting in the date column filled by him, but had also encashed the cheque which was issued to him by the Management towards full and final payment of his dues. The Tribunal had further observed that the appellant was engaged as a Technician Trainee for a period of three years, which *ipso facto* did not confer upon him the status of a regular employee. His candidature for regular employment could have been considered only upon successful completion of the training period. The appellant, in his deposition, admitted that he had not moved any application before the Management seeking regular employment. The Supreme Court in the judgment in the case of **Ganapati Bhikarao Naik vs Nuclear Power Corporation of India Limited, Civil Appeal Nos. 6591-6592 of 2024**, decided on 13.11.2024, had held that the



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factual findings arrived at by the Labour Court after appreciation of evidence, should not be interfered by the Writ Court without assigning cogent reason.

The relevant extract of the judgement is reproduced hereunder:-

“12. The relevant materials reflecting the marriage of the appellant with Smt. Ganga was however ignored by the Writ Court. The Court also failed to appreciate that the learned Labour Court reached the factual conclusion, after due consideration of the material evidence. Such factual finding of the Labour Court should not normally be disturbed by a Writ Court without compelling reason. Such reasons are absent. Therefore we feel that the Award in favour of the appellant, granted by the Labour Court, was erroneously disturbed by the learned Single Judge.”

6. Besides, the appellant had alleged that the resignation had been obtained by the Management in a fraudulent manner. The general rule in civil proceedings is that the party who asserts a fact must prove it. Section 102 of the Evidence Act, 1882, also lays down the principle for determining on which party the burden of proof rests. The matters that are essential to a claim must be established by the party who relies on them in order to succeed. However, since the appellant had specifically averred that the signatures had been obtained fraudulently, the burden of proof squarely rested on him to establish this fact, but he had not led any evidence whatsoever in support of his submission. The Supreme Court in the case of **Bishundeo Narain v. Seogeni Rai, 1951 SCC 447** held as under:-

“22.....Now if there is one rule which is better established than any other, it is that in the cases of fraud, undue influence and coercion, the parties pleading it must set forth full particulars and the case can only be decided on the particulars as laid. There can be no departure from them in evidence. General allegations are insufficient



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even to amount to an averment of fraud of which any court ought to take notice however strong the language in which they are couched may be, and the same applies to undue influence and coercion.”

7. The appellant, being an educated person and engaged as a Technician Trainee, was fully conscious of the consequences of tendering his resignation. We, therefore, find no infirmity in the order of the learned Single Judge upholding the award of the Tribunal.

8. Consequently, the Letters Patent Appeal being devoid of merit, stands dismissed.

**(ANUPINDER SINGH GREWAL)
JUDGE**

**(DEEPAK MANCHANDA)
JUDGE**

August 18, 2025
sonia gugnani

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