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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2075/2025, CM APPL. 14563/2025**

JAIPAL

.....Petitioner

Through: Mr. D.P. Yadav and Mr. Sauraj
Yadav, Advocates.

versus

M/S SPICEJET LTD AND ANR.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.05.2025

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1. By way of present petition, the petitioner challenges the award dated 14.01.2010 passed by CGIT-I, Delhi in ID No.68/2006 titled as Sh. Jaipal V/s The General Manager M/s Spicejet and another.

2. At the outset, it is noted that the petition has been filed in 2025 seeking to challenge an award pertaining to 2010, i.e. after an inordinate delay of more than 15 years. The petition is accompanied by an application seeking condonation of delay of 3925 days in filing the petition. The reason stated therein is that the petitioner, upon visiting the respondents office for the first time in April 2010 and lastly on 03.09.2024, was assured that his case would be considered with other co-employees and he would be permitted to resume his duty, however the same was not done. It is also stated that after dismissal of the industrial dispute by the impugned award, he had pursued another industrial dispute which was unsuccessful. It is also stated that the petitioner being unemployed, he could not arrange funds to

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contest the case.

3. The petitioner's case before the CGIT was that he served as a Technician Man under the respondent No. 1 since 1994, with last drawn wages @ Rs.7,000/- per month. As per the petitioner, he first joined the company when it was running in the name & style of *M/s Modiluft Ltd.* (M.G. Express Ltd.) and thereafter, the respondent no. 1 transferred the petitioner to *M/s Royal Airways* and finally the name of the company was changed as *M/s Spicejet Ltd.* It is alleged that the respondent No.1 illegally terminated the service of the petitioner No. 1 on 01.01.2002 without disclosing the reasons and also did not pay his earned wages from 01.11.2001 onwards till termination. Consequently, the petitioner filed claims before the Conciliation Officer and on failure of the Conciliation Proceedings, the appropriate government vide order dated 28.08.2006 referred the industrial dispute with the following terms:-

“Whether the action of the management of Modiluft/Royal Airways/Spice Jet Ltd. in terminating the services of Shri Jaipal S/o Shri Prabhu Dayal w.e.f 1.1.02 is just, fair and legal? If not, to what relief is the concerned workman entitled and from which date?”

4. Vide the impugned award dated 14.01.2010, the CGIT dismissed the claims of the petitioner by holding that since the petitioner admitted that no appointment letter was issued to him by *M/s Modiluft Ltd.* and further that the company closed in the year 1996, he could not have served there till 01.01.2002. The CGIT further noted that the Airline business of *M/s Modiluft Ltd* came to end on 19.11.1996, when the permit to operate scheduled air transport service was not renewed by the Director General Civil Aviation. The company was relaunched as *M/s Spicejet Ltd.* in 2005 and the license was renewed on 17.05.2005. The CGIT came to the



conclusion that the service of the petitioner had ended on 19.11.1996 and his story of working with the management till 01.01.2002 was a fabrication and the reference by the appropriate government was made mechanically.

5. Dissatisfied by the award, the petitioner, instead of challenging the same in appropriate proceedings, chose to again raise a similar dispute before the Conciliation Officer on the same facts. Upon failure of the said conciliation proceedings, the appropriate Government again referred the dispute to CGIT for adjudication, vide order No.L-11012/20/2011-IR(CM-1), New Delhi dated 20.10.2011, with the following terms:-

"Whether the action of the management of M/s, Spice Jet, New Delhi, in terminating the services of Shri Jai Pal son of Shri Prabhu Dayal, ex-technician w.e.f. 1.1.2002 is just, fair and legal? To what relief the concerned workman is entitled to"

It is observed that the only difference in this reference from the earlier reference is that instead of referring to management of Modiluft/Royal Airways/Spice Jet Ltd., it only mentions the management of M/s Spicejet Ltd.

6. The CGIT, vide award dated 24.02.2012, observed that since the previous award dated 14.01.2010 was valid and still subsisting, the appropriate government could not have referred the said dispute afresh. Consequently, the reference order was discarded as incompetent. The petitioner challenged this subsequent award in WP(C) 3482/2013 before this Court which, vide order dated 03.02.2014, upheld the dismissal. More than 10 years after the dismissal of the aforementioned Writ Petition, the petitioner preferred CM APPL. 65401/2024 seeking to challenge the award dated 14.01.2010 which was dismissed as withdrawn on 08.11.2024.



7. As is evident from the tumultuous litigation history of the petitioner, lack of finances cannot be the reason for the delay since after passing of the impugned award, instead of challenging the same, the petitioner raised another identical industrial dispute. When the same resulted in passing of an adverse award in 2012, the petitioner had the wherewithal to challenge the same before this Court which again was dismissed in 2014. No explanation has been provided about the steps, if any, taken by the petitioner to challenge the impugned award from 2014 till 2024, when the petitioner sought to finally challenge the award through a misconceived application, which was dismissed as withdrawn on 08.11.2024. The a perusal of the said order would show that the Court had even then put the query of delay and laches to the petitioner. Though liberty was granted to file appropriate legal proceedings, the same was subject to being permissible in law. The reasons stated in the application seeking condonation of delay are vague and insufficient and fail to explain the huge delay and laches satisfactorily.

8. As a result, the present petition is dismissed alongwith pending application.

MANOJ KUMAR OHRI, J

MAY 9, 2025

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