IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

CWP No. 2803 of 2016
Decided on : 25.04.2026

Hari Dass

…Petitioner

Versus

Union of India and others

…Respondents

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

For the petitioner	**:**	**M/s Daleep Singh Kaith and Saroj, Advocates.**
For the respondents	**:**	**Ms. Vandana Misra, Central Government Counsel.**

Ajay Mohan Goel, Judge *(Oral)*

By way of this writ petition, the petitioner has, *inter alia,* prayed for the following relief:-

> *"(i) That writ in the nature of mandamus may kindly be issued, directing the respondents to re-engage the petitioner in service on the same post and at the same place where he was working prior to his orally and illegal termination with all consequential benefits such as; back wages, seniority and continuity in service etc."*

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

2. In terms of the averments made in the petition, the petitioner was engaged in the year 2007 and his services were verbally terminated in the year 2011. According to the petitioner in the year 2014, certain similarly situated persons were reinstated, but as similar indulgence was not shown to the petitioner, therefore, he has approached this Court praying violation of the provisions of the Industrial Disputes Act.

3. Learned counsel for the respondents submitted that the petitioner was engaged in the year 2009. By referring to the reply she submitted that the petitioner was engaged as a casual paid labourer with effect from 21.05.2009 and was discharged on 10.08.2009. She submitted that the petitioner was engaged till the work was available and it is incorrect that his services were terminated in violation of any law. She further submitted that the petition was filed in the year 2016, highly belatedly and now as the petitioner is otherwise about 63 years old because he was 53 years old when he filed the petition, the petition has lost its efficacy.

4. Having heard learned counsel for the parties, this Court is of the considered view that indeed the petition has lost

its efficacy with the passage of time.

5. Firstly, to demonstrate that the petitioner was engaged in the year 2007 and verbally terminated in the year 2011 as alleged by the petitioner, no document has been appended with the petition. Indeed, one finds that this writ petition has been filled without appending a single annexure. Therefore, this contention of the petitioner that he was engaged in the year 2007 and verbally disengaged in the year 2011, is not substantiated by any material on record.

6. Be that as it may, whether his disengagement was in the year 2010 as is the stand of the respondents or in the year 2011 as is the stand of the petitioner, he approached the Court against the said act of the respondents in the year 2016, which indeed is a belated approach, be it from the year 2010 or 2011. The bald averments made in the petition that in the year 2014 certain persons were re-engaged etc., are again not substantiated by any document on record. This Court has already observed hereinabove that alongwith the petition not even a single document has been appended.

7. Otherwise also, violation of the provisions of the

Industrial Disputes Act has to be agitated before the Fora, which is provided under the said Statute, which is both a substantive and procedural law and Article 226 of the Constitution of India, cannot be invoked for said purpose.

8. Besides this, the Court also finds merit in the contention of the learned counsel for the respondents that the petition has lost its efficacy as the petitioner is now more than 63 years old.

9. Therefore, in these circumstances this petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 25, 2026
(Shivank Thakur)