

(1999) 12 P&H CK 0037
In the Punjab And Haryana At Chandigarh
Case No : Writ Petition No. 16578 of 1992

Ambala Central Co-operative Bank Ltd.	APPELLANT
Vs	
State of Haryana and Others	RESPONDENT

Date of Decision : 15-12-1999

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(1)
Limitation Act, 1963 — Article 137

Citation : (2001) 3 LLJ 308 : (2000) 124 PLR 794

Hon'ble Judges : M.L. Singhal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

M.L. Singhal, J.—Vide order dated July 13, 1992 (Annexure P-3), the Governor of Haryana in exercise of powers vesting in him u/s 10 Sub-section (1) part (c) of the Industrial Disputes Act, 1947 directed Labour Court, Ambala to settle the industrial dispute that has arisen between Faqir Chand and the Ambala Central Co-operative Bank Limited, Ambala (hereinafter to be referred as the Bank) namely, "Is the termination of services of Shri Faqir Chand legally justified and right? If not to which compensation he is entitled?"

2. This reference arose in the following circumstances:

3. Faqir Chand was appointed as Secretary in the service of the Bank. He was dismissed from service by the Board of Directors of the Bank vide resolution dated February 20, 1981. He was informed by the Managing Director of the Bank as to his dismissal from service vide order Annexure P-2. It was contended by Faqir Chand that he was a workman as defined in the Industrial Disputes Act, 1947 and his dismissal from service was illegal and not justified. He contended that there was an industrial dispute between them as defined in the Industrial Disputes Act, 1947 which should be referred to the Labour Court, Ambala constituted under" Section 7 of the Industrial Disputes Act for settlement of this dispute. Vide order Annexure P-3 Governor of Haryana referred the said

industrial dispute, for adjudication to Labour Court, Ambala.

4. Through this civil writ petition filed under Article 226/227 of the Constitution of India, the Bank has challenged order Annexure P-3 and has prayed for its quashing, urging that Faqir Chand was dismissed from service about 11 years ago and he approached the Government under the Industrial Disputes Act after an inordinate delay. The Government should have declined the reference to the Labour Court, Ambala u/s 10 of the Industrial Disputes Act on the ground of its being highly belated. In this writ petition, it has been submitted that the Government should have taken this palpable delay into account while considering whether the dispute should or should not be referred to the Labour Court, Ambala for adjudication under the Industrial Disputes Act.

5. Faqir Chand-respondent contested this petition urging that the order passed by the Government of Haryana referring the industrial dispute to Labour Court, Ambala is an administrative order and not a judicial order. It is for the Labour Court to attach or not to attach any weight to this objection by the Bank that the reference was sought belatedly.

6. This civil writ petition must fail in view of what has been laid down by their Lordships of the Hon"ble Supreme Court in *Ajaib Singh Vs. The Sirhind Co-Operative Marketing Cum-Processing Service Society Limited and Another*, . It was observed by their Lordships of the Hon"ble Supreme Court in the said case that no reference can be generally questioned on the ground of delay alone. Where delay is shown to be existing. Labour Court can appropriately mould the relief by declining to grant back wages to the workman till the date he raised demand regarding illegal retrenchment/ termination or dismissal. Provisions of Article 137 of the Limitation Act, 1963 are not applicable to the proceedings under the Industrial Disputes Act. Relief under this Act cannot be denied to the workman merely on the ground of delay.

7. For the reasons given above, this writ petition fails and is dismissed.