

(2009) 05 DEL CK 0394

In the Delhi High Court

Case No : LPA No. 268 of 2009 and C.M. No. 8116 of 2009

Delhi Transport Corporation

APPELLANT

Vs

Sh. Ranbir Singh

RESPONDENT

Date of Decision : 28-05-2009

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 33

Citation : (2009) 05 DEL CK 0394

Hon'ble Judges : Dipak Misra, C.J.; Neeraj Kishan Kaul, J

Bench : Division Bench

Advocate : Avnish Ahlawat, for the Appellant; None, for the Respondent

Final Decision : Dismissed

Judgement

1. The present appeal is directed against the order of the learned single Judge dated 11th February, 2009. Briefly stated the facts are as follows:

2. The appellant (original petitioner in the writ petition) challenged the Award dated 4th July, 2000 passed by the Industrial Tribunal declining the approval to the appellant u/s 33 Sub-clause (2) Sub-clause (b) of the Industrial Disputes Act, 1947 (hereinafter referred to as the "Act"). The respondents (original respondents in the writ petition) took a preliminary objection to the very maintainability of the writ petition on ground of delay and laches. It was submitted on behalf of the respondents that the order declining the approval was passed by the Tribunal as far back as on 4th July, 2000 and the writ petition had been preferred by the appellant in December, 2005, without making any endeavour to explain the delay. The learned single Judge has rightly dismissed the petition holding that parties cannot avail of their remedies as and when they so wish. The learned single Judge further observed that the writ petition was preferred by the appellant on 2nd December, 2005; apparently when the Tribunal had already passed an Award dated 30th September, 2005, in favour of the respondents in other case i.e. I.D. No. 149 of 2001 holding the action on the part

of the appellant terminating the services of the respondents as not being legal and justified. In the said Award, the Tribunal observed that the Management did not prefer any appeal, revision or writ petition against the order dated 4th July, 2000, and that was the reason that the writ petition was filed immediately after passing of the Award dated 30th September, 2005.

3. We are in agreement with the findings of the learned single Judge. Parties are required to pursue their remedies diligently and within a reasonable period of time. In the present case, the appellant is clearly guilty of unreasonable delay without any explanation for the same. The delay is of five long years without any reasonable or cogent explanation for the same. In the absence of any plausible explanation given by the appellant for the long delay, the learned single Judge rightly declined to exercise his extraordinary jurisdiction under Article 226 of the Constitution of India.

4. We do not find any infirmity in the order of the learned single Judge to warrant any interference. The appeal is accordingly dismissed. The pending application stands disposed of as well.