

(2011) 12 SHI CK 0121
In the High Court Of Himachal Pradesh
Case No : CWP No. 10805 of 2011

Gurdev Singh and Others

APPELLANT

Vs

Himachal Pradesh State Electricity Board and Others

RESPONDENT

Date of Decision : 14-12-2011

Acts Referred:

Citation : (2011) 12 SHI CK 0121

Hon'ble Judges : Kurian Joseph, C.J;Rajiv Sharma, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Justice Kurian Joseph, C.J.—The petitioners are aggrieved since the dispute has not been referred to by the Labour Commissioner for adjudication before the Industrial Tribunal/Labour Court. It is seen from the impugned order that the Labour Commissioner has considered the demand and the report on conciliation. It has been found that the petitioners have staked their claims only after 10-20 years of their disengagement. Therefore, the reference has been declined in the light of the decision of this Court in M.C. Paonta Sahib versus State of Himachal Pradesh. There is nothing on record to show that the dispute was otherwise kept alive. The claims have thus become stale. We find that recently a Full Bench of this Court has also taken the same view in Liaq Ram versus State of H.P., decided on 6.1.2011. The issue is, thus, covered against the petitioners. However, in case the petitioners have a case of any junior being engaged without considering the lawful claim of the petitioners, it will be open to them to bring the same to the notice of the second respondent/competent authority, in which case, the second respondent/competent authority will look into the matter and take appropriate action in accordance with law and justice within a period of three months from the date of production of copy of this judgment along with copy of the writ petition, by the petitioner concerned.

2. The writ petition stands dismissed accordingly, so also the pending application (s), if any.