
(2019) 09 RAJ CK 0011

In the Rajasthan High Court

Case No : Civil Writ Petition No. 12600 Of 2019

Kanhaiya Lal

APPELLANT

Vs

Assistant Engineer, Irrigation Sub-Division Dara, District Kota

RESPONDENT

Date of Decision : 02-09-2019

Acts Referred:

Industrial Disputes Act, 1947 — Section 25G, 25H
Constitution Of India, 1950 — Article 226

Citation : (2019) 09 RAJ CK 0011

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : K.C. Sharma

Final Decision : Dismissed

Judgement

The petitioner workman is aggrieved of the award dated 9-7- 2018 passed by the Labour Court Kota dismissing his claim against the termination of service from 28-6-1987 on the ground of it being raised sixteen years of his removal.

The necessary facts of the case are that the petitioner was appointed as Beldar in the respondent department on 1-8-1985 and worked till 27-6-1987. He raised an industrial dispute alleging the retrenchment without following the provisions and in contravention of Section 25G and 25H of the Industrial Disputes Act, 1947 (hereinafter `the Act of 1947'). On failure of the conciliation proceedings, a reference was made by the State Government to the Labour Court on the question whether raising the dispute after sixteen years was proper? If yes, the termination of the workman from 28-6-1987 was proper and valid? The workman filed statement of claim. The department opposed the claim of the workman.

The Labour Court on the basis of evidence on record concluded that the workman had raised the dispute after sixteen years of termination of his service from 28-6-1987 and relying on the judgment of the Apex court in the case of Prabhakar Vs. Joint Director, Sariculture Department (AIR 2016 SC 2984) and

other judgments dismissed the petitioner's claim vide award dated 9-7-2018. Hence this petition.

Heard and considered.

Counsel for the petitioner has not been able to establish that the finding of fact arrived at by the Labour Court on appreciation of evidence is perverse. In fact a perusal of the impugned award indicates that the Labour Court has objectively considered the case of the workman and rightly concluded that the workman has raised the dispute after sixteen years of termination of his service from 28-6-1987. The Apex Court in the case of Prabhakar Vs. Joint Director Sariculture Department (supra) has held that "after fourteen years of termination without any justifiable explanation for delay, the appropriate Government had no jurisdiction or power to make reference of a non-existing dispute". The workman has not been able to profer a justifiable reason for the inordinate delay in raising the dispute. Public policy dictates that belated claims should not be entertained. Inordinate belated claims, have the potential of unravelling settled affairs and put the opposite party to grave disadvantage in the potential loss of evidence in defence. In fact there is an element of acquiescence in the event a claim available in law is not agitated within reasonable time. In the circumstances, there is no occasion for this court to invoke its powers under Article 226 of the Constitution of India and interfere with the impugned award dated 9-7- 2018 which does not warrant any interference by this court.

The petition is without force. Dismissed.