

(1999) 02 DEL CK 0037
In the Delhi High Court
Case No : C.W. No. 997/97

New Delhi Municipal Council

APPELLANT

Vs

Shri Aftab Singh

RESPONDENT

Date of Decision : 22-02-1999

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (1999) 2 AD 730

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : Mr. R.P. Gupta, for the Appellant; Mr. K. Venkatraman, for the Respondent

Judgement

Mukul Mudgal, J.—This writ petition filed by the NDMC challenges the Award of the Industrial Tribunal dated 7th August, 1996 passed in I.D. No. 109/91. On 6th March, 1997 notice limited to the question of delay in raising the issues involved in the reference in the year 1990 was issued by this Court to the respondents. Consequently, the scope of the present writ petition is confined to the said issue. The grave man of this issue arises from the plea of the petitioner that the respondent was selected on the post of Senior Lab. Technician and promoted on ad hoc basis from 16.10.1976. He was reverted back to his substantive post of Jr. Lab. Technician from 20.6.1978.

2. It has been contended by the petitioner in the writ petition that the impugned Award which grants the relief for the promotion of respondent as Sr. Lab. Technician at least from the date his Junior Smt. Rajni Gaur was promoted could not have been passed because the respondent's case suffers from unexplained delay and laches as the dispute was raised by him only in 1990.

3. Since the writ petition confined to this short point, it would be relevant to set out paragraph 5 of the written statement, filed by the petitioner-NDMC before the Industrial Tribunal which reads:

"In reply to para 5, it is stated that the representations of Sh. Aftab Singh in the past have been duly dealt with and at last he was finally informed under the orders of the Administrator on 27.3.90 that his representations stands filed and matter closed since his ad hoc appointment was not followed by the regular appointment."

4. The petitioner's written statement in the Tribunal itself states that the petitioner was informed finally under the orders of Administrator on 27.3.90 that his representations stood filed and the matter closed.

5. In view of the above stand taken by the petitioner themselves before the Industrial Tribunal, it is not open to the petitioner to contend that there was a delay and laches to the respondent in raising the disputes only in 1990. When the petitioner itself finally rejected the representation of the respondent on 27.3.90, the plea of laches insofar as seeking adjudication in 1990 becomes wholly irrelevant.

6. In view of the above, the writ petition has no merits and the same deserves to be dismissed.

7. Accordingly, the writ petition is dismissed in limine.