
(2012) 03 SHI CK 0020
In the High Court Of Himachal Pradesh
Case No : CWP No. 5384 of 2010-F

Ramesh Kumar

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 19-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0020

Hon'ble Judges : Kurian Joseph, J; Dharam Chand Chaudhary, J

Bench : Division Bench

Advocate : Surinder Saklani, for the Appellant; R.K. Bawa, Advocate General with Mr. Ankush Dass Sood, Addl. A.G. and Mr. J.K. Verma, Dy. A.G. for State and Mr. Trilok Jamwal, Advocate for Respondents 3 and 4, for the Respondent

Final Decision : Dismissed

Judgement

Justice Kurian Joseph, C.J.—The petitioner is aggrieved since his 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 petitioner staked the claim only after 8 years of his disengagement. Therefore, the reference has been declined in light of the decision of this Court in M.C. Paonta Sahib vs. State of Himachal Pradesh. There is nothing on record to show that the dispute was otherwise kept alive. The claim has thus become stale. We find that recently a Full Bench of this Court has also taken the same view in Liaq Ram vs. State of H.P., decided on 6.1.2011. The issue is, thus, covered against the petitioner. However, this judgment shall not stand in the way of the petitioner approaching the competent authority and in case persons junior to him have been re-engaged, the request of the petitioner will be duly considered by the said authority. The petition stands dismissed accordingly.