

(2012) 03 SHI CK 0525
In the High Court Of Himachal Pradesh
Case No : CWP No. 1181 of 2012-I

Shri Devinder Kumar

APPELLANT

Vs

The Himachal Pradesh State Electricity Board

RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0525

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

Bench : Division Bench

Advocate : Javed Khan, for the Appellant; Shashi Shirshoo, for the Respondent

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 after more than 10 years of his 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 claim has 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 petitioner. However, in case the petitioner has a case of any junior being engaged without considering the lawful claim of the petitioner, it will be open to him to bring the same to the notice of the second respondent in which case the second respondent 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. However, we make it clear that the dismissal of the writ petition shall not stand in the way of the petitioner pointing out similar instances before the Executive Director (Personnel) of the respondent Board, in which case the matter will be looked into by the said

authority. The writ petition is disposed of, so also the pending application(s), if any. Copy Dasti.