

(2012) 03 SHI CK 0228
In the High Court Of Himachal Pradesh
Case No : CWP No. 2665 of 2010-C

Sunil Kumar

APPELLANT

Vs

The State of H.P.

RESPONDENT

Date of Decision : 19-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0228

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

Bench : Division Bench

Advocate : V.D. Khidtta, for the Appellant; R.K. Bawa, Advocate General and Mr. J.K. Verma, DAG., 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 14 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. The judgment shall not stand in the way of the petitioner in approaching the competent authority in case the person junior to him has been re-engaged, in which case the grievance of the petitioner will be duly considered in accordance with law. The writ petition is dismissed accordingly, so also the pending applications, if any.