
(2001) 03 P&H CK 0164
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3843 of 2001

Suresh Kumar

APPELLANT

Vs

Presiding Officer Labour Court, Hisar

RESPONDENT

Date of Decision : 15-03-2001

Acts Referred:

Industrial Disputes Act, 1947 — Section 10

Citation : (2001) 03 P&H CK 0164

Hon'ble Judges : S.S. Sudhalkar, J; Mehtab S. Gill, J

Bench : Division Bench

Advocate : Mr. S.D. Bhatti, for the Appellant;

Final Decision : Dismissed

Judgement

S.S. Sudhalkar, J.—This writ petition has been filed by the workman challenging the award dated 15.11.2000 (copy annexure P.1) vide which the relief of reinstatement was declined to the petitioner.

2. The petitioner was appointed as Tracer on 11.1.1974, his services were terminated in the year 1991. In the award dated 15.11.2000, the Labour Court has considered that the petitioner has raised the dispute after 13 years. It also considered the fact that as per statement of M W-1 Sh. Navneet Sharma that after the termination of the services, the workman remained employed in their establishment H.P. Cotton Mills as Clerk from 12.4.1989 to 15.5.2000.

3. Learned counsel for the petitioner has argued that earlier the Irrigation Department was no "industry" and now after the judgment of the case of Des Raj v. State of Haryana, Irrigation Department has been considered as "industry" and hence, the petitioner has raised the demand notice on 27.1.1995.

4. It is not possible to accept the explanation of the workman regarding delay. Only because earlier view is changed by a judgment of a Court, the dispute cannot be raised after an inordinate delay. Moreover, the respondents in the written statement have taken the plea of delay. This Court in the case of Surjit

Singh v. Presiding Officer and others 2001(2) SCT 497 (P&H)(DB) : in C.W.P. No. 9580 of 1999, has discussed the judgments of the Supreme Court i.e. in the case of Ajaib Singh Vs. The Sirhind Co-Operative Marketing Cum-Processing Service Society Limited and Another, and in The Nedungadi Bank Ltd. Vs. K.P. Madhavankutty and Others, and observed as under :-

Considering the judgments mentioned above, following points emerge :-

1. No limitation is prescribed under the Act.
2. If plea of delay is not taken the delay may not be considered.
3. If plea of delay is taken, it should be considered.
4. If a dispute has become state, it should not be revived after a lapse of long period if the plea regarding delay has been taken. In the present case, the plea of delay has been taken by the respondents and the explanation given for the delay cannot be said to be genuine or plausible. We, therefore, do not find it proper to disturb the findings of Labour Court.

In the result, this writ petition deserves to be dismissed and the same is dismissed.

5. Petition dismissed.