
(2014) 09 MP CK 0077

In the Madhya Pradesh High Court

Case No : Writ Petition No. 10866/2010

The State of Madhya Pradesh

APPELLANT

Vs

Lalwa Choudhari

RESPONDENT

Date of Decision : 05-09-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (2014) 09 MP CK 0077

Hon'ble Judges : Sanjay Yadav, J

Bench : Single Bench

Advocate : Arvind Singh, Panel Lawyer, Advocate for the Appellant

Judgement

Sanjay Yadav, J.—Heard on admission.

2. State of Madhya Pradesh and its functionaries vide present petition calls in question correctness of award dated 01.04.2008/26.05.2008 passed by Labour Court, Satna in I.D.Reference No.2/05. The reference before Labour Court was :

3. The Labour Court on a finding that the workman having established that he has continuously worked for more than 240 days and without following the procedure as laid down under section 25F of the Industrial Disputes Act, 1947 his services have been terminated led the Labour Court set aside the termination, further directing for reinstatement with 50% backwages by the impugned award.

4. Award is being challenged by the petitioner vide this petition after a period of two years with no satisfactory explanation for delay. Vide I.A.No.9320/2010 it is contended that the copy of award was made over to the petitioner on 30.05.2008 whereafter legal opinion was sought from the higher authorities and that in January, 2010 the sanction was received whereafter an Officer In-charge was appointed on 15.07.2010. The application is, however, silent as to what transpired between the period from 2008 to 2010. The said period is unexplained in respect of the delay.

5. In State of Orissa and Another Vs. Mamata Mohanty, wherein it has been held -

"53. Needless to say that Limitation Act 1963 does not apply in writ jurisdiction. However, the doctrine of limitation being based on public policy, the principles enshrined therein are applicable and writ petitions are dismissed at initial stage on the ground of delay and laches ...

?54 This Court has consistently rejected the contention that a petition should be considered ignoring the delay and laches in case the petitioner approaches the Court after coming to know of the relief granted by the Court in a similar case as the same cannot furnish a proper explanation for delay and laches. A litigant cannot wake up from deep slumber and claim impetus from the judgment in cases where some diligent person had approached the Court within a reasonable time. (See Rup Diamonds and Others Vs. Union of India and Others, , State of Karnataka and Others Vs. S.M. Kotrayya and Others, and Jagdish Lal and others Vs. State of Haryana and others, .?)

6. Trite it is that delay and laches on the part of petitioner disentitle him to seek remedy in the court of law. Division Bench of this Court in Focus Energy Ltd. Vs. Government of India and Others, ; relying upon judgments of the Apex Court observed -

?10- Thus, facts stated supra leads to irresistible conclusion that appellant is guilty of delay and laches. Its conduct disentitles it to any relief. In New Delhi Municipal Council Vs. Pan Singh and Others, the Supreme Court has held that delay and laches are relevant factors for exercise of equitable jurisdiction. In The Municipal Council, Ahmednagar and Another Vs. Shah Hyder Beig and Others, the Supreme Court has observed that discretionary relief can be provided to one who has not by his act or conduct given a go-bye to his rights. Equity favours a vigilant rather than an indolent litigant. In the State of Haryana and Another Vs. Aravali Khanij Udyog and Another, it has been held that where third party rights are created, the High Court should not interfere. Similarly, in Shiba Shankar Mohapatra (supra) it has been held that the Court exercising public law jurisdiction does not encourage agitation of stale claims where the right of third parties crystallizes in the interregnum.?

7. Taking into consideration the fact that the petitioner seeks redressal of grievance after a period of two years and that the delay having not been explained and the principle of law laid down in the case of Mamata Mohanty (Supra) and Focus Energy (Supra), no relief can be granted.

8. Consequently, petition fails and is dismissed. No costs.