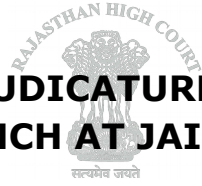




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 17821/2019

Udai Singh S/o Shri Babu Lal, Aged About 51 Years, R/o Dholpur,
District Dholpur (Raj.)

----Petitioner

Versus

1. Executive Engineer, Irrigation Division Dholpur.
2. Assistant Engineer, Irrigation, Sub Division Saipau,
District Dholpur.
3. Assistant Engineer, Irrigation, Sub Division Badi-I, District
Dholpur.

----Respondents

For Petitioner(s) : Mr. Arun Sharma

For Respondent(s) :

HON'BLE MR. JUSTICE SAMEER JAIN
Order

20/02/2024

1. By way of the instant petition, a challenge is made to the order impugned dated 25.06.2019, passed by the learned Labour Court, whereby the Statement of Claim, as filed by the petitioner, was dismissed.

2. Learned counsel for the petitioner, in order to explain the delay on part of the petitioner, submitted that the petitioner is a poor labourer, not well read with the idiosyncrasies of the law and the restrictions imposed by it, rendering genuine claims infructuous and/or stale. Furthermore, learned counsel averred that the Industrial Disputes Act of 1947 does not provide any specific period of limitation, precluding the subsequent filing of claims by aggrieved individuals. In support of the contentions



advanced, reliance was placed upon the dictum of the Hon'ble Apex Court as enunciated in **Prabhakar Vs. Joint Director Sericulture & Ors.** reported in **AIR 2016 SC 2984.**

3. Heard and considered.

4. It is trite law that there is limited scope of interference with a well-reasoned order while exercising the jurisdiction under Article 227 of the Constitution of India.

5. Upon a perusal of the order impugned dated 25.06.2019, it is noted that while dismissing the statement of claim advanced by the petitioner, the learned Labour Court duly took into account the aspect of substantial and prolonged delay on part of the petitioner in raising his grievance.

6. In the facts and circumstances of the instant case, the petitioner was terminated from service w.e.f. 01.01.1991. The cause and controversy arose when the statement of claim was filed by the petitioner in the Year 2016 i.e. with an approximate delay of 15 years.

7. The Court must bear in mind that the statutory absence of any period of limitation in the Industrial Disputes Act, 1947 does not by itself, have the effect of stale and/or substantially delayed *lis* being mandatorily entertained by the Courts. The Court, while exercising its jurisdiction, must juxtapose the prolonged delay with the explanation offered in connection therewith, and only thereafter, having assessed the *laches*, proceed with the matter.

8. The explanation furnished by the petitioner regarding the petitioner's lack of knowledge cannot be countenanced. Ignorance of the law and the prolonged lethargy exhibited in realizing one's



own grievance arising out the impugned termination, reflects the callous approach adopted by the petitioner.

9. Furthermore, on the aspect of delay, reliance can also be placed upon the dictum of the Hon'ble Apex Court as enunciated in **Bichitrananda Behera vs. State of Orissa and Ors.:** Civil Appeal No. 6664 of 2023, **Union of India & Ors. Vs. N. Murugesan** reported in (2022) 2 SCC 45 and **Chennai Metropolitan Water Supply and Sewerage Board and Ors. Vs. T.T. Murli Babu** reported in (2014) 4 SCC 108. In **Chennai Metropolitan (supra)**, it was held as under:

"The doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant – a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis."

10. In the opinion of this Court, looking to the aspect of delay, the learned Labour Court has passed a well-reasoned speaking order and after consideration of material aspects, arrived at a



logical conclusion. This Court is in complete agreement with the reasoning adopted by the Labour Court.

11. Therefore, in light of the observations made herein-above, this Court deems it appropriate to dismiss the instant petition. Pending applications, if any, stand disposed of.

(SAMEER JAIN),J

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