

The State of Madhya Pradesh Vs. Hari Singh

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Court : Madhya Pradesh

Decided On : Sep-21-2012

Appellant : The State of Madhya Pradesh

Respondent : Hari Singh

Advocate for Def. : Shri. Shukla

Advocate for Pet/Ap. : Shri. Rajesh Tiwari

Judgement :

State & ORS.versus Hari Singh W.P.No.10549/2012 21/09/2012 Shri Rajesh Tiwari, learned counsel for the petitioners/State.

Shri Shukla, learned counsel for the respondent/Workman.

Challenging the orders passed by the labour court and the industrial courts, this writ petition has been filed by the State Government.

Records indicate that an order was passed by the labour court on 28.4.1993 directing classification of the employee concerned.

The appeal was filed against the aforesaid order passed in the year 1993 vide Annexure-P5 before the industrial court vide Annexure-P6 in the year 2011 i.e.on 19.8.2011 after a period of more than 8 yeaRs.The appeal has been dismissed by the industrial court on the ground of delay and, thereafter when the execution

proceedings were filed and which has been dismissed, this writ petition has been filed.

Records indicate that the appeal filed was infact dismissed vide Annexure-P11 on 20th of October, 2011 and it was a prayer made for staying of the execution proceedings, which was dismissed vide Annexure-P7.

It was, therefore, a case when an award was passed by the labour court was challenged after a period of more than 8 yeas.the challenge was dismissed on 20th of October, 2011 and not when the execution of the order is taking place, this writ petition is filed challenging the award State & ORS.versus Hari Singh passed in the year 1993 and the order by the appellate authority dated 20.10.2011.

It is pointed out by Shri Shukla, learned counsel appearing for the respondent/Workman that similar cases were filed also dismissed on the ground of delay and challenging the order of the labour court and the industrial court, writ petitions filed have been dismissed by a division bench of this Court on the ground of delay and brings to the notice of this Court an order passed by the Division Bench of this Court in W.P.No.13524/2009 (State of M.P.& ORS.versus Janki Prasad Tripathi).A perusal of the order passed by the Division Bench in the aforesaid case shows that in their cases also, challenge made to the orders by the labour court after a period of more than 5 years was rejected by the industrial court and when the writ petition was filed at the stage of execution, the Division Bench found that the writ petition is barred by gross laches and finding no reasonable ground to interfere into the matter, when the execution proceedings were going on, writ petition was dismissed.

In the present writ petition also, similar factual scenario exists and, there is no justification shown for the delay of 8 years in approaching the industrial court, after the matter was decided by the labour court.

The petitioner having been slept over the matter and the industrial court having rejected the appeal on due consideration, no case is made out for interference after a period more than 9 years after the order passed by the labour court in the year 1993.

State & ORS.versus Hari Singh Accordingly, for the grounds and reasons indicated hereinabove and the order passed by the Division Bench of this Court under similar circumstances on 28.7.2011 in W.P.No.13524/2004, I see no reason to interfere into the matter.

This petition is, accordingly, dismissed.

(Rajendra Menon) Judge nd

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