

SUPREME COURT OF INDIA

Balbir Singh

Vs

Punjab Roadways

8.12.2000

(D.P. Mohapatra and Shivaraj V. Patil, JJ.)

Special Leave Petition (C) No. 14225 of 1999.

JUDGMENT

D.P. Mohapatra - We have heard learned counsel for the parties.

2. The petitioner was a conductor in the Punjab Roadways at the relevant point of time. Several orders of punishment of stoppage of increment, with or without cumulative effect were passed against him in June 1978, October 1983, April 1987, November 1990 and May 1991. The industrial dispute raised on behalf of the petitioner by the workmen's union was referred by the State Government for adjudication to the Industrial Tribunal in 1995. The Tribunal by the award dated 22nd July, 1998 held that the punishment orders were vitiated having been passed without holding proper inquiry but declined to grant relief in respect of the orders excepting the last order dated 10th May, 1991, on the ground of delay.

3. The petitioner filed a writ petition in the High Court of Punjab and Haryana seeking quashing of the award of the Tribunal declining to grant any relief in his favour despite the favourable finding on merits. The Division Bench of the High Court dismissed the writ petition and confirmed the award passed by the Tribunal holding that there was no good ground to interfere with the exercise of judicial discretion by the Tribunal. The High Court observed :

"The dispute was indeed belated and the order withholding the increments of the petitioner passed in 1978 could not be set at naught in the year 1994 and thereafter."

4. The said judgment is under challenge in this appeal.

5. The learned counsel for the petitioner strenuously urged that the Tribunal committed error in denying relief to the workman merely on the ground of delay. The learned counsel submitted that in industrial dispute delay should not be taken as a ground for denying relief to the workman if the order/orders under challenge are found to be unsustainable in law. He placed reliance on the decision of this Court in the case of *Ajaib Singh v. Sirhind Cooperative Marketing-cum-Processing Service Society Ltd. and another, JT 1999(3) SC 38 : 1999(2) SCT 667 (SC)*.

6. We have carefully considered the contentions raised by the learned counsel for the petitioner. We have also perused the aforementioned decision. We do not find that any general principle as

contended by the learned counsel for the petitioner has been laid down in that decision. The decision was rendered on the facts and circumstances of the case particularly the fact that the plea of delay was not taken by the management in the proceeding before the Tribunal. In the case on hand the plea of delay was raised and was accepted by the Tribunal. Therefore, the decision cited is of little help in the present case. Whether relief to the workman should be denied on the ground of delay or it should be appropriately moulded is at the discretion of the Tribunal depending on the facts and circumstances of the case. No doubt the discretion is to be exercised judicially. The High Court on consideration of the matter held that there was no ground to interfere with the discretion exercised by the Tribunal. We are not satisfied that the award of the Tribunal declining relief to the petitioner which was confirmed by the High Court suffered from any serious illegality which warrants interference by this Court. Accordingly the special leave petition is dismissed.

Petition dismissed.