

From:-

Engineer-in Chief
H.P.PWD, Shimla-2

To

1. All Superintending Engineers, HPPWD,
2. All Executive Engineers, HPPWD.
3. Deputy District Attorneys, HPPWD, Dharamshala, Mandi and Hamirpur.
4. Both Deputy District Attorneys, Labour Court at Judicial Complex, Chakkar, Shimla and O/o District Attorney, Dharamshala.

Subject: -

Supply of copy of judgment passed in CWP No. 1670/2008 titled as Tek Chand vs State of HP dated 19.5.2015.

Sir,

In the above cited subject, I am to enclose herewith a copy of judgment / order dated 19.5.2015 passed by Hon'ble High Court of HP in CWP No. 1670/2008. As per this verdict the claim of petitioner / workman for re-engagement in service has been declined by the Hon'ble High Court by upholding the award dated 21.7.2008 passed by Ld. Labour Commissioner, HP, operative part of judgment is reproduced as under:-

"...2. The petitioner, though was retrenched on 31.12.1990, has raised the demand only on 24.8.2006. There is inordinate delay in raising the demand notice by the petitioner. The delay of 15 years in raising the demand notice has not at all been explained by the petitioner. The demand notice has rightly been rejected by the well reasoned order passed by the Labour Commissioner, Himachal Pradesh on 21.7.2008.

3. Accordingly, there is no merit in this petition, the same is dismissed, so also the pending application(s), if any."

Being a strategic pronouncement of Hon'ble High court on the issue of raking up of re-engagement dispute being barred on delay and laches, if raised after an abnormal delay by a workman as such upon receipt of identical claims this judgment be relied in the reply of department for opposing such belated claims.

This is for information and necessary action as the case may be.

Encls: as above

Jt. Director(Law)
For Engineer-in-Chief
HPPWD, Shimla-2

Copy forwarded for information and necessary action to the:-

1. The Addl. Chief Secretary (PW) to the Government of HP with a request that Labour Commissioner may be requested to the extent that all the Labour Court reconciliation officers be supplied copy of this judgment for deciding such claims of workmen as per this verdict of Hon'ble High Court.
2. The In-charge IT Cell in this office with the request to kindly upload this strategic judgment on departmental official portal.

Jt. Director(Law)
For Engineer-in-Chief
HPPWD, Shimla-2