

**IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA**

C.W.P. No.10536 of 2012-D.

Date of decision: 30.04.2013.

Ramesh Kumar.

..... Petitioner.

Versus

State of Himachal Pradesh & others.Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, J.

The Hon'ble Mr. Justice Kuldip Singh, J.

For the Petitioner : Mr. Rahul Mahajan, Advocate.

For the Respondents : Mr. Ram Murti Bisht, Deputy Advocate
General & Mr. J.S. Guleria, Assistant
Advocate General.

Sanjay Karol, Judge (Oral).

On 23.04.2013, the Court passed the following
orders:-

“Counsel for the respondents submit that the issue raised in this writ petition is squarely answered by the decision of the Full Bench of this Court in Liaq Ram Versus State of H.P. & others, CWP No. 1486 of 2007, decided on 6.1.2011. Counsel for the petitioner submits that there are some more matters pending in this Court raising same question. Office is directed to place this matter along with CWP No.7135 of 2012 and all other companion matters together on 30.4.2013.”

Whether reporters of Local Papers may be allowed to see the Judgment?

2. We see no reasons to interfere with the impugned order dated 31.03.2012 passed in the case of the petitioner along with other persons. The Labour Commissioner, Himachal Praesh, relying upon the Full Bench decision of this Court in C.W.P.No.1486 of 2007 titled Laiq Ram vs. State of H.P. has come to the conclusion that the references were made after a lapse of more than 5 to 8 years.

3. It is urged by Mr. Rahul Mahajan, learned counsel for the petitioner that with respect to similarly situated persons the Labour Commissioner has referred the disputes to the Labour Court/ Industrial Tribunal for adjudication. It is open for the respondents to assail such illegal action, if any, on the part of the Labour Commissioner, but, however, that fact itself would not confer any right upon the petitioner.

4. It is also urged that delay is between 4 and 5 years and not 5 to 8 years as has been so found by the Labour Commissioner, even that would not make the position any better. Whether the delay is of 4 and 5 years or 5 to 8 years, it is a matter of fact that the same not been sufficiently explained. As such, present petition devoid of any merit is dismissed.

**(Sanjay Karol),
Judge.**

April 30, 2013.
(krt)

**(Kuldip Singh),
Judge.**