

IN THE HIGH COURT OF KARNATAKA, BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2018

BEFORE

THE HON'BLE MR.JUSTICE L. NARAYANA SWAMY

WRIT PETITION NO.541 OF 2017 (L-TER)

BETWEEN

1.THE STATE OF KARNATAKA
THE SECRETARY,
URBAN DEVELOPMENT DEPARTMENT,
VIKASA SOUDHA,
BANGALORE.

2.THE COMMISSIONER
DIRECTOR OF MUNICIPAL ADMINISTRATION,
9TH FLOOR, DR. AMBEDKAR VEEDHI,
V.V. TOWERS,
BANGALORE.

... PETITIONERS

(BY: SRI. GOVT ADVOCATE)

AND

MR. THIPPESWAMY
S/O. LATE P. THIMMAPPA,
AGED ABOUT 51 YEARS,
FORMERLY WORKING AS
BILL COLLECTOR,
TMC, PAWAGADA
(NOW ILLEGALLY TERMINATED

FROM THE SERVICES),
AND RESIDING AT
C/O. ERANNA GOWDA,
SRINIVASA NILAYA,
BEHIND SECRETARIAT COLLEGE,
UPPARAHALLI,
TUMKUR TALUK AND DISTRICT – 572 101

... RESPONDENT

(BY: SRI. RAJASHEKAR.K., ADV.)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR THE RECORDS IN REF. NO.25/2013 DTD.21.7.2014 PASSED BY THE PRESIDING OFFICER, PRL. LABOUR COURT, BANGALORE AND QUASH THE ORDER AT ANNEX-A DTD.21.7.2014 IN REF. NO.25/2013 PASSED BY THE PRESIDING OFFICER, PRL. LABOUR COURT, BANGALORE.

THIS PETITION COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The respondent herein had approached the Labour Court Bengaluru, in REF No.25/2013 and the said reference came to be allowed in part by order dated 21.07.2014, directing the petitioners to reinstate the respondent with continuity of service. Now this order has been challenged by

the petitioners herein to set aside the said order of the Labour Court.

2. Heard the learned counsel for the parties and perused the records.

3. The impugned order was passed on 21.07.2014. After that, the petitioners have filed the present writ petition on 04.01.2017 that too after a long delay. At this stage learned Government advocate brings to notice of this court that the petitioner was placed ex-parte before the Labour court and thereby not having any knowledge of the impugned order and in the circumstances, petition has to be allowed.

4. The said submission of the learned Government Advocate cannot be accepted for the reason that no steps are taken to recall the said order within the time stipulated and they have filed writ petition after considerable length of time i.e. after nearly three years. If there was any error crept in the

impugned order there was no bar for the petitioner to file application before the concerned court to rectify the same. But that does not mean that petitioner can file any petition at any time for correcting the same. Petition has to be filed within a reasonable time. But in the instant case, it is not done so.

There is nearly three years delay in filing this petition. Only on the ground of delay and laches this petition is liable to be rejected. Accordingly, petition stands rejected directing the petitioner to forthwith comply the impugned order within three weeks from today.

Sd/-
JUDGE

Bsv