

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.304 OF 2014
(ARISING OUT OF SLP(C) NO.22480 OF 2013)

STATE OF U.P. & ORS. APPELLANTS

VERSUS

MAHENDRA RESPONDENT

O R D E R

The State of U.P. and others, aggrieved by the order dated 08.11.2012 passed by the Allahabad High Court dismissing Civil Misc. Writ Petition No.58895 of 2012 on the ground of delay and laches, have preferred this special leave petition.

Leave granted.

The respondent aggrieved by termination of his service raised a dispute. The same was referred by the competent Government to the Labour Court, Gorakhpur. The Labour Court by its Award dated 20.04.2011 held the termination to be illegal and directed for his reinstatement along with 50% back wages. The said Award was published on 05.09.2011.

Aggrieved by the aforesaid Award, the appellants filed Civil Misc. Writ Petition No.58895 of 2012 on 31.10.2012 before the High Court. The High Court found that the said writ petition was filed after about a year of the publication of the Award and no satisfactory explanation having been given, dismissed the writ petition on the ground of delay and laches.

Mr. Gaurav Bhatia, learned Additional Advocate General appearing for the appellants, draws our attention to the explanation offered by the appellants in the writ petition and submits that the cause shown clearly demonstrates that the writ petition did not suffer from delay and laches.

Ms. Rachana Srivastava, learned counsel appearing for the respondent, however, submits that the finding of the High Court having not been challenged by the appellants, the same is not fit to be gone into by this Court.

We have bestowed our consideration to the rival submissions and we find substance in the submission of Mr. Bhatia. As stated earlier, the Award was published on 05.09.2011 and the writ petition was filed on 31.10.2012. In view of the explanation offered by the appellants, we are of the opinion that the High Court ought not to have dismissed the writ petition on the ground of delay and laches.

We make it clear that we have not expressed any opinion in regard to the merits of the case.

Accordingly, we allow this appeal, set aside the impugned order passed by the High Court and remit the matter back to it for its consideration in accordance with law.

(Signed order is placed on the file)