HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 96 OF 2025

Writ Appeal under clause 15 of the Letters Patent Filed Against the order Dated 20/12/2024 in writ petition No.10790 of 2023. on the file of the High Court.

Between:

The Management of Deccan College of Medical Sciences, Princess Esra Hospital Shah Ali Banda, Hyderabad Rep by its Authorized Signatory Dr. G.Narayana Prasad

...APPELLANT/PETITIONER

AND

1. The Labour Court - III, Rep by its Presiding Officer Hyderabad
2. Smt.Rajapathi, W/o: S.Kishan Aged about 58 years, Occ: Ex-Sweeper H.No.23-4-197/A, Sultan Shahi, Hyderabad

   Also at

   C/o D.Vilas, Advocate D.No.1-9-20/ /A/10, Rytham Restuarant Lane Ramnagar, Hyderabad
3. M/s. Nirmal Sanitation Services, H.No.23-4-482/ 16, Sultan Shahi, Hyderabad, Rep by its Proprietor Mr.M.Vijaya Kumar

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to STAY all further Proceedings in E.P.No.4 of 2022 in I.D.No.164 of 2009 on the file of Respondent No.1-Labour Court-III, pending disposal of the above Writ Appeal.

Counsel for the Appellant: SRI P. PANDU RANGA REDDY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: SRI M. VIJAYA KUMAR GOUD

The Court made the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

AND

THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.96 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri P.Pandu Ranga Reddy, learned counsel for the appellant and Sri M.Vijaya Kumar Goud, learned counsel for respondent No.2.

2. With the consent, finally heard.

3. This intra court appeal takes exception to the order dated 20.12.2024 passed in W.P.No.10790 of 2023, whereby the writ petition filed by the appellant (hereinafter referred to as, 'the employer') against the award of the Labour Court – III, Hyderabad (hereinafter referred to as, 'the Labour Court'), in I.D.No.164 of 2009, dated 06.01.2016, was dismissed on the singular reason that the writ petition was filed with an inordinate delay of almost seven years.

4. Learned counsel for the employer fairly submits that although the employer was put to notice by the Labour Court and its counsel entered appearance and filed written statement, the

employer was not aware about the passing of the award on 06.01.2016. As soon as the employer came to know about it, he promptly filed the writ petition, which could not have been dismissed on the ground of delay in view of the judgment of the Supreme Court in **M/s. Dehri Rohtas Light Railway Company Limited v. District Board, Bhopur**[1].

5. Learned counsel for respondent No.2/workman, on the other side, supported the order of the learned Single Judge and submits that the award was even published by way of a notification which is clear from G.O.Rt.No.401, dated 20.05.2016 (Annexure 4). Thus, no interference may be made.

6. The parties have confined their arguments to the extent indicated above and no other point is pressed.

7. The learned Single Judge has recorded the finding in the impugned order as under:-

> "8. Before delving into the merits of the case, it is pertinent to note that the impugned Award in I.D.No.164 of 2009 was passed by respondent No.1/Labour Court on 06.01.2016 and the petitioner has filed the present Writ Petition in the year 2023 i.e., after a lapse of almost seven years, for which delay, no cogent reasons are assigned. Thus, it clearly shows that the petitioner

[1](1992) 2 SCC 598

was reluctant to challenge the impugned Award in a timely manner.

9. As regards delay in approaching this Court, a Division Bench of this Court, *vide* judgment dated 13.12.2021 in Writ Appeal Nos.1660 of 2018 and 593 of 2016, has categorically held the delay of 5 to 18 years in preferring a Writ Petition under Article 226 of the Constitution of India, as inordinate delay.

10. In the present case, since there is an inordinate delay of almost seven years on the part of the petitioner, for which, no valid or cogent reasons are assigned, this Court is not inclined to entertain the present Writ Petition. As such, the present Writ Petition is liable to be dismissed on the ground of delay alone."

(Emphasis Supplied)

8. It is clear that the learned Single Judge relied on a Division Bench judgment of this Court in W.A.Nos.1660 of 2018 and 593 of 2016 decided on 13.12.2021, wherein the delay of five years in filing the writ petition was held to be inordinate/enormous.

9. So far the judgment on which the learned counsel for the employer has placed reliance is concerned, it shows that when there exist laches and negligence on the part of a party, delay is a relevant factor on the strength of which interference can be declined. In the instant case, the employer was admittedly put to notice by the Labour Court and it participated in the proceedings. Thereafter, 'due diligence' was expected from the employer about the stage and fate of the said I.D. Case No.164 of 2009. The

award was published as per Section 17 of the Industrial Disputes Act, 1947. Ordinarily, upon such publication of Award in the gazette, a presumption can be drawn that it came to the notice of the employer.

10. In this view of the matter, in our view, the learned Single Judge has taken a plausible view and rightly declined interference because of delay and laches.

11. The writ appeal fails and is hereby **dismissed.** No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Rep by its Labour Court - III, Presiding Officer Hyderabad
2. One CC to Sri P. Pandu Ranga Reddy, Advocate [OPUC]
3. One CC to Sri M. Vijaya Kumar, Advocate [OPUC]
4. Two CC to The GP for Labour, High Court for the State of Telangana, at Hyderabad[OUT]
5. Two CD Copies

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BS

HIGH COURT

DATED:25/02/2025

JUDGMENT

WA.No.96 of 2025



DISMISSING THE WRIT APPEAL

WITHOUT COSTS

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5.B
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