

13 of the judgment, their Lordships of the Supreme Court made it clear that Section 203 (1) of the Act would be void from the date of decision.

(13) For the reasons mentioned above the writ petition is allowed. The orders Annexures-P. 3 and P. 5 are declared illegal and quashed with a direction that the petitioner shall decide the application of respondent No. 3 for sanction of the building plan afresh within a period of two months from the date of receipt of copy of this order. Respondent No. 3 shall be free to produce additional documents in support of his application.

(14) Copy of this order be given *dasti* on payment of the fee prescribed for urgent applications.

R.N.R.

Before Jawahar Lal Gupta & A. S. Garg, JJ

SHER SINGH,—*Petitioner*

versus

STATE OF HARYANA & OTHERS,—*Respondents.*

C.W.P. 423 of 1999

4th March, 1999

Industrial Disputes Act, 1947—S. 10 (i) (c)—Delay & laches—Reference declined—Delay in approaching Court—Illiteracy made explanation for delay—Illiteracy if accepted would provide defence to every illiterate person—Order declining reference not interferred with—Writ petition dismissed.

Held that there is an inordinately long delay of more than four years in approaching the Court. We are not satisfied about the correctness of the explanation given by the petitioner. In any event, such an explanation, if accepted, would provide a defence to every illiterate person. The claim being highly belated, we find no ground to interfere with the order passed by the competent authority.

(Para 4)

J. K. Goel, Advocate,—*for the Petitioner.*

ORDER

Jawahar Lal Gupta, J. (Oral)

(1) The petitioner had approached the State Government with a prayer for referring his claim for reinstatement of the Labour Court. The petitioner's request was declined,—*vide* order dated 6th June, 1994. A copy of this order has been produced as Annexure P 3 with the writ petition. The petitioner prays that the order be quashed.

(2) This case was listed for hearing before a Division Bench of this Court on 14th January, 1999. Their Lordships were pleased to direct that the counsel may explain the delay.

(3) No affidavit has been filed. However, it has been pointed out by Mr. J. K. Goel that in paragraph 14 of the petition it has been averred that the petitioner being an illiterate person, did not know that the order of the Government could be challenged before the High Court in a writ petition. It is only when he contacted his counsel in December, 1998 that he discovered about the availability of the remedy.

(4) After hearing the learned counsel we are satisfied that there is an inordinately long delay of more than four years in approaching the Court. We are not satisfied about the correctness of the explanation given by the petitioner. In any event, such an explanation, if accepted, would provide a defence to every illiterate person. The claim being highly belated, we find no ground to interfere with the order passed by the competent authority.

(5) Consequently, the writ petition is dismissed in limine.

R.N.R.

Before N. K. Agrawal, J

P.S.E.B., PATIALA THROUGH ITS CHAIRMAN,—Petitioner

versus

INDURE LTD. & ANOTHER,—Respondents.

C.R. No. 144 of 1999

12th October, 1999

Constitution of India, 1950—Art. 227—Arbitration and Conciliation Act, 1996—Ss. 5, 12 & 13—Removal of arbitrator—Serious