

Court No. - 7

Case :- WRIT - A No. - 9021 of 2023

Petitioner :- Arman Khan

Respondent :- Managing Director U.P. State Road Transport Corporation Lko. And Another

Counsel for Petitioner :- Ayodhya Prasad Shukla

Counsel for Respondent :- Anuj Kudesia

Hon'ble Abdul Moin,J.

1. Heard.

2. Under challenge is the order dated 23.04.2003, a copy of which is part of Annexure-7 to the writ petition, whereby the petitioner has been given fresh appointment.

3. The aforesaid order came to be passed after the petitioner who was working on the post of Driver had been terminated vide order dated 16.11.2002 but the respondents themselves taking a sympathetic view of the matter appointed the petitioner as a fresh appointee through the order dated 23.04.2003.

4. The order is sought to be challenge on various ground including that the petitioner is entitled for counting of entire service rendered by him right since his initial appointment.

5. On the other hand, Sri Vikas Agrawal holding brief of Sri Anuj Kudesia, learned counsel for the respondents, has raised a preliminary objection that the order impugned has been passed way back about two decades ago and there cannot be any occasion for the petitioner to now challenge the said order more particularly when he accepted his appointment in terms of the said order and has also rendered service in pursuance to the said order and did not raise any challenge to the said order for almost two decades.

6. Perusal of the records of the case along with the arguments of learned counsel for the petitioner would indicate that after the petitioner had been terminated on 16.11.2002 the respondents themselves, taking a sympathetic view of the matter, appointed the petitioner by treating his appointment as a fresh appointment. The petitioner accepted the said appointment, continued to work on the basis of the said appointment order and has also retired from service on 31.07.2022. It is after a period of more than two decades that the order dated

23.04.2002 is sought to be challenged on various grounds and thus, the petition is bad on account of laches.

7. The only reason forthcoming to explain laches from a perusal of the petition is the fear of the petitioner in challenging the said order as he was in service. The said ground is found to be totally unsustainable in the eyes of law once the petitioner did not raise any protest or even challenge the order impugned dated 23.04.2003.

8. Considering the aforesaid, the writ petition is **dismissed** on the ground of laches.

Order Date :- 22.11.2023

A. Katiyar