



CNR: KAHC010447902021

NC: 2026:KHC:36144
WP No. 21821 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 21821 OF 2021 (S-RES)

BETWEEN:

SMT K P CHANDRAKALA
AGED ABOUT 46 YEARS,
W/O SRI VENKATACHALA SHETTY
R/O HOLALAGUNDA VILLAGE AND POST
AMRUTHUR HOBLI
KUNIGAL TALUK
TUMKUR DISTRICT-572111

...PETITIONER

(BY SRI. SRIKANTH N V., ADVOCATE)

AND:

1. THE CHIEF EXECUTIVE OFFICER
ZILLA PANCHAYATH
TUMKUR DISTRICT-572101
2. EXECUTIVE OFFICER
TALUK PANCHAYATH, KUNIGAL
TUMKUR DISTRICT-572130
3. PANCHAYATH DEVELOPMENT OFFICER
AND SECRETARY
KODIGEHALI GRAM PANCHAYATH
AMRUTHUR HOBLI, KUNIGAL TALUK
TUMKUR DISTRICT-572130

Digitally
signed by
SHILPABAI S
Location:
HIGH
COURT OF
KARNATAKA





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4. THE PRESIDENT
KODIGEHALLI GRAM PANCHAYATH
KUNIGAL TALUK
TUMKUR DISTRICT-572130
5. H N MAHESH
S/O NARASIMHAIAH
AGED MAJOR
R/AT KODIGEHALLI GRAMA PANCHAYATH
HOLALAGUNDA POST
KUNIGAL TALUK-572111

...RESPONDENTS

(BY SRI. MANOJ M NAIK, ADVOCATE FOR
SRI. A NAGARAJAPPA, ADVOCATE FOR R2 TO R4
SRI. KASHINATH J D, ADVOCATE FOR R5
R1 SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO
QUASH THE IMPUGNED ORDER DTD.4.10.2021 PASSED BY THE
R-1 IN APPEAL NO.04/2021-22 AS PER ANNEXURE-A AND
ALLOW THE APPEAL AS PRAYED FOR.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING
IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS
UNDER:

* * *

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI



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ORAL ORDER

The petitioner filed this writ petition seeking the following reliefs:

- "(i) Issue writ of certiorari to quash the impugned order dated: 04.10.2021 passed by the 1st respondent in Appeal No. 04/2021-22 as per ANNEXURE-A and allow the appeal as prayed for.*
- (ii) Grant such other relief or reliefs as this Hon'ble court deems fit in the facts and circumstances of the case."*

2. Brief facts leading rise to the filing of this petition are as follows:

2.1. The petitioner was appointed for the post of Computer Operator by respondent No.4 vide order dated 15.03.2007 with the salary of ₹1,500/- per month. The appointment of the petitioner was for a period of three months. The petitioner submitted a representation to the concerned authorities about her grievance. The grievance was not addressed by the respondents-Authorities. The petitioner approached this Court in WP No. 11251 of 2008



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seeking to consider the representation dated 09.07.2008 directing respondent No.4 to take back the petitioner for duty. The said writ petition was disposed of directing the respondent-Authorities to consider the representation within three months. The petitioner filed a contempt petition before this Court in CCC No. 128 of 2011. The said contempt petition came to be disposed of vide order dated 21.04.2011. Thereafter, the petitioner issued a legal notice to respondent Nos.1 to 3 requesting to appoint for the post of Computer Operator. The petitioner filed another writ petition in WP No. 38435 of 2013 directing respondent No.4 to take back the petitioner for duty in terms of the resolution dated 15.03.2007 and the said writ petition came to be rejected granting a liberty to the petitioner to approach respondent No.2 with a representation for redressal of her grievance. The petitioner submitted a representation on 21.03.2017. Despite the directions issued by this Court, the representation of the petitioner was rejected. The petitioner filed an appeal in Appeal No.



188/2017-18. The said appeal was dismissed on the ground of delay and laches. Hence, the petitioner approached this Court in WP No. 36537 of 2018. The order passed by the Appellate Authority came to be set aside and the matter was remitted back to respondent No.1 to re-consider the same after affording an opportunity of hearing to the petitioner in accordance with law within six months from the date of receipt of the order passed by this Court in the aforesaid petition. The petitioner filed an application for condonation of delay. The Appellate Authority rejected the application for condonation of delay and consequently, dismissed the appeal. Hence, this petition.

3. Heard the arguments of learned counsel for the petitioner and learned counsel for respondent Nos.1 to 4 and learned counsel for respondent No.5.

4. Learned counsel for the petitioner submits that, the petitioner has shown a sufficient cause for not



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preferring an appeal within time. The sufficient cause has not been properly considered by the Appellate Authority and committed an error in declining to condone the delay and consequently, dismissed the appeal. He submits that, while considering an application for condonation of delay, the Authority must be liberal. To buttress his argument, he has placed a reliance on the judgment of the Hon'ble Apex Court in the case of ***Collector Land Acquisition, Anantnag and Another Vs. Mst. Katiji and Others***¹. Hence, on these grounds, he prays to allow the writ petition.

5. *Per contra*, learned counsel for respondent Nos.2 to 4 submits that, the petitioner was appointed only for a period of three months and appointment of the petitioner was not extended. There is a delay of more than 10 years in preferring the appeal and the petitioner has not shown sufficient cause for condoning the delay of

¹ (1987) 2 SCC 107



more than 10 years in preferring the appeal. To buttress his argument, he has placed reliance on the judgments of the Hon'ble Apex Court in the cases of ***Chennai Metropolitan Water Supply and Sewerage Board and Others Vs. T.T. Murali Babu²*** and ***Shivamma (Dead) by LRs Vs. Karnataka Housing Board and Others³***. Hence, that the Appellate Authority was justified in dismissing the application for condonation of delay and the appeal. Hence, on these grounds, he prays to dismiss the writ petition.

6. Perused the records and considered the submissions of the learned counsel for the parties.

7. It is undisputed fact that the petitioner was appointed as a Computer Operator in 2007 with a monthly salary of ₹1,500/- for a period of three months. Thereafter, respondent Nos.2 to 4 did not extend the term

² (2014) 4 SCC 108

³ 2025 SCC OnLine SC 1969



of the contract. The petitioner kept quiet for more than ten years and thereafter, filed an appeal before respondent No.1 along with an application for condonation of delay. Respondent No.1 rejected the application and dismissed appeal vide order dated 19.06.2018. The petitioner, aggrieved by the order dated 19.06.2018, filed a writ petition before this Court in WP No. 36537 of 2018. This Court, vide order dated 06.11.2020, allowed the writ petition and quashed the order dated 19.06.2018 passed by respondent No.1 and the matter was remitted for reconsideration at the hands of respondent No.1 after affording opportunity to the petitioner to produce the documents to substantiate the claim and pass appropriate order in accordance with law within six months from the date of receipt of the copy of the order. Pursuant to the order passed by this Court, the petitioner has filed an application on 23.08.2021 for condonation of delay in preferring the appeal.



8. From the perusal of the affidavit filed by the petitioner on 23.08.2021, it discloses that, the petitioner has contended regarding the passing of an order dated 19.06.2018 by respondent No.1 and also filing of the writ petition in WP No. 36537 of 2018. The petitioner has not shown any cause for preferring appeal at a belated stage i.e., after lapse of ten years. Respondent No.1, considering that the petitioner has not shown sufficient cause for condoning the delay in preferring an appeal, has rejected the application for condonation of delay and consequently, dismissed the appeal.

9. The Hon'ble Apex Court in the case of **T.T. Murali Babu** (supra), has held in paragraph No.16 as follows:

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of



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the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis."

From the perusal of paragraph No.16 of the judgment, the Hon'ble Apex Court held that, the doctrine of delay and laches should not be lightly brushed aside. A writ Court is required to weigh the explanation offered and the acceptability of the same. The Court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional Court, it has a duty to protect the rights of the citizens, but simultaneously, it is



to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the Court at his own leisure or pleasure, the Court would not be under legal obligation to scrutinise whether the *lis* is at a belated stage should be entertained or not. A litigant who has forgotten the basic norms, namely, 'procrastination is the greatest thief of time' and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the *lis*.

10. Admittedly, there is a delay of more than ten years and subsequently, during that period, the respondents-Authorities have appointed respondent No.5 as a Computer Operator and respondent No.5 is already discharging the duty for last more than eight years.

11. In view of the proposition of law laid down by the Hon'ble Apex Court in the case of ***T.T. Murali Babu*** (supra), the petitioner has not shown sufficient cause for condoning the inordinate delay of more than ten years in



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approaching respondent No.1. Hence, I do not find any error in the impugned order. Accordingly, proceed to pass the following:

ORDER

- i. The writ petition is ***dismissed***;
- ii. Pending IA(s), if any, shall stand disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

PA
List No.: 1 SI No.: 30