

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1237 of 2015**

- Vijay Kumar Jain S/o Lat Shri B.L.Jain, Aged About 69 years R/O Dhruv Dham, Opposite To Hundai Showroom, New Sarkanda, Bilaspur, (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary Public Health, Department, Mahanadi Bhavan, Mantralaya, Raipur, (Chhattisgarh)
2. Controller Food & Drugs Administration Raipur, Indiravati Bhavan, New Raipur, (Chhattisgarh)
3. Deputy Director, Food And Drugs, Administration Bilaspur, Composite Building Promises of Collector Office, Bilaspur, District Bilaspur, (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Rajesh Jain, Advocate
For Respondent/State	:	Shri S. Mazid Ali, PL for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/04/2015**

Heard learned counsel for the parties.

1. This petition is preferred seeking interest upon arrears of salary for the period of 13-8-1986 to 10-10-1989, which comes about Rs.77,524/- @ 9% per year till the date of actual payment.
2. Although, arrears of salary of the said period amounting to Rs.35100/- has been paid to the petitioner only on 30-4-2014, however, in view of the fact

that the petitioner never raised any issue regarding less payment of salary for the subject period and his earlier writ petition being WP (S) No.7348/2011 was only for payment of retiral dues, in particular the GPF amount, and in the process of settling the dues, the respondents of their own has calculated his entire dues and paid him the arrears for the subject period, the writ petition not only lacks merits but also suffers from delay and laches.

3. If some payment remains to be made to an employee, for which the employee has never raised any claim and the same was made to him by the employer bonafidely, of its own after about 26 years from the relevant period, it cannot be said that the amount was malafidely retained by the employer.
4. The Supreme Court in **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu**¹, after relying on its decision rendered in **State of M.P. v. Nandlal Jaiswal**², held thus at para 15 & 16 :

“15. xxx xxx xxx
 xxx xxx xxx
 xxx xxx xxx

“24. ... If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.”

Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice.

16. Thus, the doctrine of delay and laches should not be lightly

¹ (2014) 4 SCC 108

² (1986) 4 SCC 566

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 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.”

5. Accordingly, the writ petition is dismissed.

JUDGE

ashu