

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1778 of 2015**

- D.D. Sahu S/o Shri K.R. Sahu Aged About 58 years Lecturer, Government Multipurpose Higher Secondary School, Balod, District Balod Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through: The Secretary, Education Department, Mahandi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh
2. District Education Officer, Balod, District Balod Chhattisgarh
3. Block Education Officer, Block Balod, District Balod Chhattisgarh

---- Respondents

For Petitioner	:	Shri Aditya Khare, Advocate
For Respondent/State	:	Shri PK Bhaduri, GA for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/05/2015**

1. This petition has been preferred seeking following reliefs:-

10.1 That, this Hon'ble Court may kindly be pleased to issue writ of mandamus, appropriate writs/direction/order commanding to the respondents to give pay interest @ 12 p.a. to the petitioner for the delayed payment of salary from 09-11-1994 to 17-05-2006 (till the date of payment)

10.2 That, this Hon'ble Court may kindly be pleased to issue writ of mandamus, appropriate writs/direction/order commanding the respondents to pay amount of Rs.8,211/- deducted from the salary amount of petitioner because of its payment by the respondent No.2 and 3 one time.

10.3 That, any other relief which this Hon'ble Court deems fit and proper in favour of the petitioner may kindly be passed."

2. Petitioner had earlier preferred WP No.6073/2005 for payment of salary for the period 9-11-1994 to 10-2-1996. The earlier petition itself was filed after about nine years, yet on the direction issued by this Court, payment of arrears of salary was made to the petitioner on 17-5-2006.
3. The present writ petition is again preferred after about nine years from the date of payment.
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 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

1 (2014) 4 SCC 108

2 (1986) 4 SCC 566

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 on the ground of delay and laches.

JUDGE

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