

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 561 of 2015**

Shri S. L. Narsaiah S/o Shri Venkata Rathnaiyah Aged About 48 Years
C. I. S. F. No. 7500946, House No. 2-10-10, Street Jyoti Nagar, Post
Karimnagar, Andhra Pradesh Now Telangana, Pin-505-001

---- Appellant

Versus

1. Union Of India Through The Secretary, Department Of Home Affair,
Govt, Of India, New Delhi
2. Deputy Inspector General, Central Industrial Security Forces, Ministry
Of Home Affair, C I S F Unit, B S P Bhilai Durg (Chhattisgarh) Distt.
Durg
3. Commandant, Central Industrial Security Forces, Bhilai Steel Plant
Unit Bhilai (Chhattisgarh) Distt. Durg.

-----Respondents

For Appellant:

Shri Ashutosh Shukla, Advocate.

For Respondents:

Shri NK.Vyas, Assistant Solicitor General for
Union of India.**Hon'ble The Chief Justice****Hon'ble Shri Justice P. Sam Koshy****Judgment on Board****Per Navin Sinha, Chief Justice****18/11/2015**

1. The present appeal against order dated 8.4.2013 in Writ Petition
No.724/1999 is barred by delay of 886 days.
2. The Learned Single Judge had declined to interfere with the
punishment of removal from service.
3. Learned Counsel for the Appellant submits that if the order for removal
from service was itself fundamentally flawed and unsustainable in law, any
delay in preferring the appeal cannot be sufficient justification to deny justice.
4. We have considered the submission on behalf of the Appellant.
5. The Appellant was dismissed from service on 28.7.1998 and the
appeal was also dismissed on 22.5.1998. He was a member of the

Uniformed Disciplined Service in the Central Industrial Security Force and according to allegations, had absented from duty unauthorisedly. The impugned order came to be passed after an ex-parte departmental inquiry for the reasons discussed by the Learned Single Judge after the appellant refused to participate.

6. The explanation for condoning the extraordinary delay of 886 days states that the Appellant lives in a remote village of Andhra Pradesh and therefore, the delay may be condoned. In our considered opinion, no sufficient cause worth consideration has been pleaded at all. In absence of any justification for the long inordinate delay much less to the satisfaction of the Court, we are not inclined to condone the extraordinary delay.

7. In service matters, more particularly with regard to removal from service, delay has always been considered a vital issue to deny exercise of the discretionary writ jurisdiction. If a person is removed from service, naturally, the post does not remain vacant and is filled up by another creating third party interest and rights. Any interference by the Court belatedly without sufficient justification will only create further complications for the administrator and the third person giving rise to multiplicity of litigations also.

8. In (1992) 3 Supreme Court Cases 136 (Bhoop Singh vs. Union of India and Others), it was observed as follows:-

“7. It is expected of a Government servant who has a legitimate claim to approach the Court for the relief he seeks within a reasonable period, assuming no fixed period of limitation applies. This is necessary to avoid dislocating the administrative set-up after it has been functioning on a certain basis for years. During the interregnum those who have been working gain more experience and acquire rights which cannot be defeated casually by lateral entry of a person at a higher point without the benefit of actual experience during

the period of his absence when he chose to remain silent for years before making the claim. Apart from the consequential benefits of reinstatement without actually working, the impact on the administrative set-up and on other employees is a strong reason to decline consideration of a stale claim unless the delay is satisfactorily explained and is not attributable to the claimant.”.....

8. There is another aspect of the matter. Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief. This is more so in service matters where vacancies are required to be filled promptly.”.....

9. We therefore decline to condone the delay.

10. The appeal consequentially fails and is dismissed.

Sd/-

(Navin Sinha)

CHIEF JUSTICE

Sd/-

(P. Sam Koshy)

JUDGE