

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 383 of 2015

Ku. Surekha Ghusia D/o Shoba Ghusia Aged About 38 years R/o Behind Ram Mandir, Chatapara, Tilak Nagar, Bilaspur (Chhattisgarh)

---- Appellant

Versus

1. The State of Chhattisgarh Through- The Collector, Bilaspur (Chhattisgarh)
2. Registrar General, High Court Of Chhattisgarh Bilaspur (Chhattisgarh)
3. District And Sessions Judge, Bilaspur (Chhattisgarh)

---- Respondents

For Appellant	:	Shri Vinod Deshmukh and Shri K.P.S.Gandhi, Advocates
For State/Respondent No.1	:	Shri Gary Mukhopadhyay, Panel Lawyer
For Respondent No. 2	:	Shri R.S.Marhas, Advocate

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per Navin Sinha, Chief Justice

14/8/2015

1. The present appeal arises from order dated 19.6.2014 dismissing Writ Petition (S) No. 2514 of 2009.
2. Learned Counsel for the Appellant submits that the Learned Single Judge erred in not holding that the Appellant having worked for more than five years in temporary capacity acquired the status of quasi-permanent employee. It was next submitted that after termination on 10.12.2007, the Appellant had represented and was awaiting the outcome of the same. But when no response was received, the writ application was filed on 28.4.2009. The representation has been disposed on 10.9.2014 only after the writ application was dismissed.

3. Learned Counsel for the Respondents quite apart from the merit have raised objection that the present appeal is barred by gross delay of 362 days.

4. I.A. No. 1 of 2015 has been filed to condone delay of 362 days stating that copy of the order was received on 7.7.2015 as the Appellant had gone to Maharashtra for earning livelihood and came back in June, 2015 and then upon enquiry came to know that the case has been dismissed on 19.6.2014.

5. The Appellant was terminated on 10.12.2007. The writ application was filed nearly 16 months later. In service matters, delay has always been considered extremely relevant and filing of a representation has never been considered sufficient explanation for the same. Posts do not remain vacant for the incumbent to facilitate the concerned to approach the Court and obtain orders.

6. If that were not enough, the explanation furnished for the extraordinary delay in preferring the appeal, to say the least, is vague and unacceptable. We find it difficult to believe that if the Appellant had filed a writ application and had gone away to Maharashtra, she was not in contact with her Lawyer. If that was so, obviously, she was no more seriously interested in pursuing it. There are no pleadings that when she went to Maharashtra, where she was earning livelihood and what made her to contact her Lawyer only on returning.

7. It is apparent that the Appellant herself was not vigilant for protection of her own rights and interests. The jurisdiction under Article 226 of the Constitution of India is not available to a litigant who is not vigilant for protection of her rights and interests.

8. We find no reason to condone the delay of 362 days. IA No. 1 of 2015 is dismissed. Consequently, the appeal fails.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE