

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2991 of 2015

- Amar Bahadur Soni S/o Late Dhan Bahadur Aged About 37 Years R/o Behind T F - 125, C S E B Colony, Patthri Para, Civil / Revenue Dist- Korba (Chhattisgarh)

---- Petitioner

Versus

- Chhattisgarh State Power Distribution Company Ltd (C S P D C L) Through Its Chairman Regd Office- At Energy Info Tech Centre, Daganiya, Raipur (Chhattisgarh)
- Chhattisgarh State Power Holding Company Ltd Through Its Director General Manager (H R D) Regd Office- At Energy Info Tech Centre, Daganiya, Raipur (Chhattisgarh)

---- Respondent

For Petitioner	Shri H.S. Ahluwalia, Advocate
For Respondent/State	Shri S. Majid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

24/08/2015

1. With the consent of the learned counsel for the parties, the matter is heard finally.
2. Learned counsel for the petitioner would place reliance on the order passed by this Court on 06.05.2015 in the matter of ***Amit Rao vs. Chhattisgarh State Power Distribution Company Ltd. And others*** in WPS No.363/2015 to argue that the said order would apply in all such cases, where death has taken place prior to 30.01.1997.

3. In the case in hand, the petitioner's father died on 22.03.1982 i.e. about 15 years prior to 30.01.1997. The petitioner did not prefer any writ petition immediately after the death of the employee.
4. The present writ petition has been preferred after 33 years of the death of the petitioner's father. Even if, it is considered that at that time, the petitioner was minor, the writ petition is still preferred after about 17 or 18 years from attaining the age of majority. Considering the matter from any angle, the writ petition suffers from gross, inordinate, unexplained delay and latches.
5. The Supreme Court in the matters of **Union of India and others v. Bhagwan Singh¹, Jagdish Prasad v. State of Bihar and another², Haryana State Electricity Board v. Naresh Tanwar and another³, Haryana State Electricity Board and another v. Hakim Singh⁴, National Hydroelectric Power Corporation and another v. Nanak Chand and another⁵ and State of U.P. and others v. Ram Sukhi Devi⁶** has held that the grant of compassionate appointment after long time or after attaining the age of majority is not permissible.
6. The Supreme Court in the matter of **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu⁷** has held thus:-

“15. In *State of M.P. v. Nandlal Jaiswal* the Court observed that: (SCC p. 594, para 24)

1 (1995) 6 SCC 476

2 (1996) 1 SCC 301

3 (1996) 8 SCC 23

4 (1997) 8 SCC 85

5 (2004) 12 SCC 487

6 (2005) 9 SCC 733

7 (2014) 4 SCC 108

“24. ... it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic.”

It has been further stated therein that: (*Nandlal Jaiswal case*, SCC p. 594, para 24)

“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 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.”

7. Since this petition suffers from inordinate and unexplained delay and laches, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA