

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2945 of 2015

- Bajrang Prasad Tirkey S/o Shri Thuria Ram Aged About 59 years
Head Master, Govt. Primary School, Tahsilpara, Sarga, Block Sitapur,
Police Station Sitapur, District Sarguja Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary School Education
Department, New Mantralaya, Mahanadi Bhawan, Raipur
Chhattisgarh
2. The District Education Officer Ambikapur, District Sarguja Chhattisgarh
3. The Block Education Officer Sitapur, District Sarguja Chhattisgarh

---- Respondent

For Petitioner	Shri Ajeet Kumar Yadav, Advocate
For Respondent/State	Shri S. Majid Ali, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

13/08/2015

1. With the consent of the learned counsel for the parties, the matter is
heard finally.
2. The petitioner is claiming Time Bound Pay/First Higher Pay Scale
w.e.f. August, 1993 instead of 19.10.1996.
3. Pleadings made in the writ petition and the documents annexed would
clearly demonstrate that the petitioner has already been granted the
benefit of First Higher Pay Scale on 19.10.1996. If at the said time, the

petitioner was in-fact entitled for the said First Higher Pay Scale from 08.08.1993, he should have preferred the writ petition within a reasonable time after 19.10.1996, however, this writ petition has been preferred after about 19 years.

4. The Supreme Court in the matter of **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu**¹ has held thus:-

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

“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

1 (2014) 4 SCC 108

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. In view of the above, the writ petition having been preferred after 19 years suffers from inordinate, unexplained delay and laches, therefore, it deserves to be and is hereby dismissed on that count alone.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

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