

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3224 of 2015**

- Smt. Meenu Singh, Age 43 years, W/o Shri Bhupendra Singh, R/o Smrati Bhawan, Near Shahid Chowk, Station Road, Durg (Chhattisgarh) (P. C. 491001)

---- Petitioner**Versus**

1. The Dean, Chhattisgarh Institute Of Medical Sciences (CIMS) Bilaspur (Chhattisgarh).
2. The Principal Secretary To The Govt. Of Chhattisgarh, Public Health Deptt. Mantralaya, Mahanadi Bhawan, New Raipur (Chhattisgarh)

---- Respondent

For Petitioner : Shri Surfaraj Khan, Advocate.

For Respondents : Shri Sangharsh Pandey, Deputy Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****02/09/2015**

1. In this petition under Article 226/227 of the Constitution of India, the petitioner has prayed for quashment of the order dated 4.10.2002 (Annexure-P/1) terminating her from services and to pay her difference amount of pay and allowances.
2. Facts of the case, as projected in the writ petition, are that the petitioner was appointed as Demonstrator (Bio Chemistry) in the respondent No.1 on 24.7.2001 for a period of one year. She claims to have remained in

duty from 24.7.2001 to 22.8.2001, however, no salary was paid. The petitioner was permitted to join on 15.1.2002, therefore, her services were taken into account for the purposes of payment of salary and allowances from very that date. Another advertisement was issued on 22.2.2002 and the petitioner's request for appointment for a period of 3 years was not considered. Therefore, she preferred a Writ Petition No.591/2002. However, when no interim relief was granted and in the meanwhile, appointments were made, the writ petition was eventually dismissed on 15.4.2015, as the same had become infructuous.

3. The petitioner is claiming salary and allowances for a period of 3 years on the ground that advertisement pursuant to which she was appointed was for contract appointment for a period of 3 years, yet she was appointed only for a period of one year, that too was not adhered as the petitioner was not continued.
4. In the earlier writ petition also, the petitioner had claimed benefits of the emoluments she would have drawn, had she continued in the employment for a period of 3 years.
5. Since the earlier writ petition has been dismissed as infructuous after statement made by learned counsel for the petitioner and the present writ petition has been preferred in the year 2015 i.e. after 13 years of accrual of cause of action, if any, the writ petition suffers from twin defects; firstly, the second writ petition on the same issue for grant of

salary treating her to be a contract employee for a period of 3 years is not maintainable and secondly, it suffers from delay and laches.

6. In Chennai Metropolitan Water Supply and Sewerage Board and others Vs. T.T. Murali Babu¹, the Supreme Court 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

¹ (2014) 4 SCC 108

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. For the foregoing, the writ petition is dismissed as not maintainable.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve