

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2994 of 2015

- Lala Ram Kori S/o Late Shri Manaore Kori, Aged About 55 Years Presently Working As Agricultural Extension Officer, Area Headquarters, Ghursena, Block Navagarh, District Bemetara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mantralaya, Mahanadi Bhawan, Naya Raipur, (Chhattisgarh)
2. The Director, Department Of Agriculture Raipur, District Raipur, (Chhattisgarh)
3. Joint Director, Department Of Agriculture Raipur Division, Raipur, (Chhattisgarh)
4. Deputy Director, Department Of Agriculture District Durg, (Chhattisgarh)

---- Respondent

For Petitioner

Mr. Sushil Dubey, Advocate

For Respondent/State

Mr. P.K. Bhaduri, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

C A V Order

19/08/2015

The petitioner is working as Rural Agricultural Extension Officer in the Department of Agriculture. He is aggrieved by the order passed by the Deputy Director (Agriculture) on 07.06.2011, whereby, the Disciplinary Authority has imposed the punishment of stoppage of two

annual increments without cumulative effect.

(2) In para 7 of the writ petition, it has been mentioned that the writ petition does not suffer from any delay or laches. It is for the said statement the petitioner has not offered any explanation as to why the writ petition was not submitted within reasonable time after 07.06.2011.

(3) The Supreme Court in **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu**¹, after relying on its decision rendered in **State of M.P. v. Nandlal Jaiswal**², held thus at para 15 & 16 :

"15.

	xxx	xxx	xxx
	xxx	xxx	xxx
	xxx	xxx	xxx

“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

1 (2014) 4 SCC 108

2 (1986) 4 SCC 566

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.”

(4) Apart from delay and laches, the petitioner had an alternative remedy of preferring an appeal under Rule 23 of the Chhattisgarh Civil Services (Classification, Control and Appeal), Rules 1966, however, without resorting to the said remedy, the petitioner has preferred this writ petition, therefore, on this ground also, the petition is not maintainable.

(5) In the result, the writ petition is dismissed on the ground of delay and laches.

Judge

(Prashant Kumar Mishra)

Gowri