

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 455 of 2015**

Abdul Salim S/o Late Abdul Gaffar, Aged about 47 years, Resident of Post Non Birra, via Bhaisma, Block Kartala, Police Station Kartala, Tahsil Kartala, District Korba, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Panchayat & Rural Development, New Mantralaya, Mahanadi Bhawan, Raipur, Chhattisgarh.
2. The Director Panchayat and Social Welfare, Chhattisgarh, Raipur, District Raipur, Chhattisgarh.
3. The District Education Officer, Korba, Korba, Chhattisgarh.
4. The Chief Executive Officer, Janpad Panchayat, Kartala, District Korba, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Ravi Bhagat, Advocate
For Respondents/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

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

Judgment on Board**Per Navin Sinha, Chief Justice****01/10/2015**

1. The present appeal arises from order dated 10.8.2015 dismissing Writ Petition (S) No. 2893 of 2015.
2. Learned Counsel for the Appellant submits that directions may only be given for disposal of the representation. The Learned Single Judge ought to have granted at least that limited relief.
3. Learned Counsel for the State has opposed the appeal.

4. According to the Appellant, he was appointed temporarily as Shiksha Karmi and worked in that capacity till 1996. The Learned Single Judge opined that the writ petition had been filed nearly 20 years later holding that it suffers from fatal delay and did not merit to be entertained. It was further held that if the Court was not satisfied on merits, no mandamus could be issued to decide any representation of the Appellant.

5. Having considered the submissions, we find no infirmity in the reasoning given by the Learned Single Judge affirming the view taken that in the matters relating to service, delay has always been considered vital as the post of Shiksha Karmi could not have remained vacant and must have been filled up by another. It was conduct of the Appellant himself which allowed third party rights to accrue.

6. In conclusion, we find no reason to interfere with the order under appeal. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE