

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2239 OF 2015

Narendra Shankarrao Charpe

-vs-

The Collector, Amravati and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. P.N.Shende, counsel for the petitioner.

Mr. N.R. Rode, A.G.P for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 26.08.2015.

By this petition, the petitioner seeks a direction to the Maharashtra State Electricity Transmission Company to forthwith appoint the petitioner against the available vacancy of Junior Technician on the post reserved for the Project Affected Persons.

The land of the petitioner's mother was acquired in the year 2007. The petitioner was granted a Project Affected Persons Certificate on 23/11/2010. The respondent-Company issued an advertisement on 17/02/2010 calling applications for appointment on various posts including the post of Junior Technician. The petitioner applied for the post of Junior Technician that was reserved for the Project Affected Persons. However, the petitioner did not possess a Project Affected Persons Certificate when the petitioner applied for the said post. The candidature of the petitioner was rejected in the year 2010 in the absence of the Project Affected Persons Certificate. After the petitioner received the certificate in November, 2010, the petitioner made a representation to the respondent asking the respondent-Company to appoint the petitioner on the post of Junior Technician. The case

of the petitioner was, however, not favourably considered. The petitioner did not do anything in the matter for nearly four years, except making representation to the respondent-Company for appointing the petitioner on the post of Junior Technician from the Project Affected Persons Category. After a lapse of more than four years, the present petition has been filed seeking the aforesaid relief.

The petition is liable to be dismissed on the ground of laches. If, the case of the petitioner was not favourably considered by the respondent-Company after the petitioner received the Project Affected Persons Certificate in November, 2010, the petitioner ought to have approached this Court immediately. The petitioner, however, waited for more than four years to seek a direction to the respondent-Company to appoint the petitioner on the post of Junior Technician. It is well settled that making of successive representations would be inconsequential while considering "sufficient cause". The Hon'ble Supreme Court has held that successive representations cannot stop the period of limitation. It would be necessary to refer to the judgments of the Hon'ble Supreme Court, reported in 1995 Supp (4) SCC 593 (Administration of Union Territory of Daman and Diu v. R.D.Valand), (1997) 11 SCC 13 (Jai Dev Gupta v. State of H.P.) and (2006) 4 SCC 322 (Karnataka Power Corpn.Ltd. v. K. Thangappan) in this regard.

Since the petition suffers from laches, the same is dismissed as such, with no order as to costs.

JUDGE

JUDGE