

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.4506 of 2007

C.P. Gupta, S/o Shri D.P. Gupta, age about 60 years, Principal,
Municipal Council Higher Secondary School, Dhamtari, District
Dhamtari, Chhattisgarh

---Petitioner

versus

1. State Government of Chhattisgarh, through Secretary, School Education Department Ministry, D.K.S. Bhavan, Raipur, Chhattisgarh
2. Municipal Corporation, Dhamtari, through its Commissioner, Dhamtari, District Dhamtari, Chhattisgarh
3. The Municipal Council, Kharsiya, through Chief Municipal Officer, Kharsiya, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ajay Shrivastava, Advocate
For State/Respondent No.1	:	Shri Raj Kumar Gupta, Deputy Advocate General
For Respondent No.2	:	Shri Sourabh Sharma, Advocate

Hon'ble Shri Navin Sinha, Chief Justice

Order on Board

4/3/2016

1. Heard Learned Counsel for the Petitioner and Respondents No.1 and 2.

2. The Petitioner was promoted to the post of Principal and transferred from Dhamtari to Kharsiya in 1984. He was then again transferred from Kharsiya to Dhamtari in August, 1994. His grievance is that certain deductions made from his salary towards Provident Fund were to be deposited in the years 1983-84 and 1984-85 in his account but the Dhamtari Municipal Council deposited it short by Rs.2,766/-. His Provident Fund Account was not transferred to Kharsiya. An amount of Rs.12,000/- was wrongly withdrawn by the authorities at Dhamtari in 1986. The Kharsiya Municipal Council did not deposit the proper Provident Fund amount for the period from 6.9.1984 to 30.7.1994. Interest has also not been paid in accordance with law.

3. The counter-affidavit by Respondent No.2 states that the amount of Rs.12,000/- referred to by the Petitioner was withdrawn by himself. The counter-affidavit was served on 4.12.2008. A bald statement has been made in a reply filed today that it was withdrawn without his consent. These are disputed questions of facts which cannot be examined in the writ jurisdiction. Moreover, the Court finds that though the cause of action arose in between 1983 to 1985 and from 1984 to 1994, the writ petition has been filed on 12.1.2007 stating that there is no delay in filing of the same. A representation is stated to have been filed also as late as in 1992. The affidavit affirmed on 11.1.2007 states that he was 60 years of age. Apparently, the Petitioner has chosen to wake-up on his superannuation.

4. The discretionary remedy of the writ jurisdiction is not available to those who are indolent and not vigilant for the protection of their own rights and interests. Even if no third party rights are concerned, it does not give a privilege to any citizen to approach the Court at his own convenience and luxury. Those who seek discretionary relief, it is their bounden duty to approach the Court in due time and expeditiously unless there be justified reasons for the same. No explanation whatsoever has been furnished by the Petitioner for what is considered as gross and inordinate delay.

5. Though, the Court declines to issue any directions, nothing prevents the Respondents from considering the matter in their wisdom if the Petitioner so represents.

6. The writ petition is disposed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE