

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 262 of 2016

- Chote Lal S/o Late Jagdeo Ram, Aged About 29 Years R/o Village Basdei, Police Station and Tahsil Surajpur, District Surajpur Chhattisgarh

---- Petitioner

Versus

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director, Office at Seepat Road, Bilaspur Chhattisgarh
2. Area General Manager, S. E. C. L. Baikunthpur Area, Baikunthpur, District Koriya, Chhattisgarh.
3. Sub Chief Personal Manager, S. E. C. L. Baikunthpur Area, Baikunthpur, District Koriya, Chhattisgarh.
4. Sub Area Manager, S. E. C. L., Pandavpara (Jhilmili), Baikunthpur, District Koriya, Chhattisgarh.
5. Agarsaye, S/o Late Jagdeo Ram, Aged About 36 Years Post Trammar CAT. III, At S. E. C. L., Pandavpara (Jhilmili), Baikunthpur, District Koriya, Chhattisgarh.

---- Respondents

For Appellant	Shri Basant Kaiwartya, Advocate
For Respondent-SECL	Shri Vinod Deshmukh, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

16/06/2016

1. The order passed by the learned Single Judge in WPS No.1016/2016 is under challenge in this writ appeal. The writ petition preferred by the petitioner seeking cancellation of the compassionate appointment granted to the respondent No.5 has been dismissed on the ground of delay and laches.

2. Admittedly, the respondent No.5 was granted compassionate appointment on 29.10.2001, cancellation of which has been sought by preferring writ petition on 29.03.2016.
3. Instead of offering any explanation for the delay in para 7 of the writ petition, the petitioner made a statement that the petition does not suffer from any delay. Such statement has been made on averment that the petitioner was regularly visiting the authorities for redressal of his grievance. Even that statement is self serving without supported with any document to show that the petitioner moved representation before the authorities immediately after the appointment of respondent No.5.
4. The Supreme Court in the matter of **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu**¹ has held that the writ petition suffering from delay and laches should not be entertained by the Court.
5. For the foregoing and for the reason that the writ petition was filed after about 15 years from the date of approval of cause of action, the learned Single Judge is fully justified in dismissing the writ petition in limine. There is no scope for interference with the order passed by the learned Single Judge, the writ appeal deserves to be and is hereby dismissed at the admission stage.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Chandra Bhushan Bajpai

Nirala

¹ (2014) 4 SCC 108