

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.4968 of 2016

Date:18.02.2016

Between:

Lakshman Bhagawanth Rao Gaikwad,
S/o Bhagawantha Rao Gaikwad

....Petitioner

And:

The Central Railway, repled., by its
General Manager, Chatrapathi Shivaji
Terminal, Mumbai and three others.

.....Respondents

Counsel for the petitioner: Mr. Siva

Counsel for Respondent Nos.1, 2 & 4: Mr. P.Bhaskar

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This Writ Petition is filed assailing order, dated 15.6.2005, in O.A.No.1460 of 2002 on the file of Central Administrative Tribunal, Hyderabad Bench at Hyderabad (for short 'the Tribunal').

Considering the fact that the petitioner has approached this Court more than 10 long years after passing of the impugned order by the Tribunal, we are not

inclined to delve into the merits of the case.

The law is well settled that a person who has slept over his rights, without availing the remedy under Article-226 of the Constitution of India within a reasonable time, is not entitled to the indulgence of this Court. (See ***State of Madhya Pradesh v. Bhailal Bhai***^[1], ***Tilokchand Motichand v. H.B. Munshi***^[2], ***P.S. Sadasivaswamy v. State of T.N.***^[3] and ***Roshan Lal v. International Airport Authority of India***^[4])

The only explanation that was sought to be offered by the petitioner for the extra-ordinary delay in his approaching this Court is found in paragraph-9 of the affidavit, filed in support of the Writ Petition, which is reproduced hereunder:

“The order of the Tribunal though was passed in 2005, I could not move this Hon’ble Court for more than one reasons which are not totally attributable to me. After my retirement and in view of the aging, I have developed medical complications and in fact, was bed ridden for more than 2 years and therefore, was not even in a position to communicate with any counsel. Considering the fact that my health condition was fragile and immediately, after recuperation and being in a position to move around, my children wanted that I may have to be with them which would enable timely help in case of emergency and had therefore, left Hyderabad. Most importantly, I was not even informed by any counsel that the case has been finally decided against me. I could not take steps to assail the correctness of the order.”

Except the *ipsi-dixit* of the petitioner about his alleged medical complications and bed riddenness and his throwing the blame on his counsel about the latter’s failure to inform him pertaining to the disposal of the

case, no evidence in support thereof has been filed by him. By approaching this Court ten years after passing of the impugned order by the Tribunal, the petitioner is seeking to revive a stale claim.

On the facts of the case and in the light of the law laid down by the Apex Court in the afore-mentioned judgments, we are of the opinion that this is not a fit case for being entertained at this length of time.

For the above-mentioned reasons, the Writ Petition is dismissed only on the ground of laches.

As a sequel to dismissal of the Writ Petition, WPMP.No.6343 of 2016 filed by the petitioner shall stand dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

*18th February, 2016
DR*

[\[1\]](#) AIR 1964 SC 1006

[\[2\]](#) AIR 1970 SC 898

[\[3\]](#) (1975) 1 SCC 152

[\[4\]](#) AIR 1981 SC 597