

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 6956 OF 2016

Gangadas Dhirtlahare, S/o Shri Chhabiram Dhritlahare, aged about 55 years, R/o Village Amsena, Post: Amsena, Police Station & Tahsil Arang, District Raipur (C.G.) Mobile No. 9893394744

... Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Scheduled Caste & Scheduled Tribe Development Department, Mantralaya, Mahanadi Bhawan, New Raipur (C.G.)
2. The Collector, Raipur, District Raipur (C.G.)
3. The District Coordinator, office of Scheduled Caste, Division Raipur, District Raipur (C.G.)
4. Ku. Nirmala Jaswani (Cookman) working in P.G. Tribal Boys Hostel, Danganiya, Raipur.

... Respondents

For Petitioner	:	Mr. Y.C. Sharma, Advocate.
For Respondent-State	:	Mr. Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/03/2017

1. The Petitioner through the present petition has sought for a relief for regularization from the date prior to Respondent No.4 has been regularized.
2. Contention of the Counsel for the Petitioner is that the Petitioner had come in services of the respondent-department earlier to Respondent No.4, however, the the department had regularized the services of Respondent No.4 with effect from 28.10.1996, whereas the Petitioner has been regularized with effect from 9.9.2008. He submits that the Petitioner being senior, ought to have been considered for regularization prior to Respondent No.4, if not, at least along with Respondent No.4. However, the respondent-department for reasons best known discriminated with the Petitioner while granting the said relief and therefore he has filed the present writ petition.

3. This Court finds that the present writ petition is an inordinately delayed petition by almost 20 years from the first date when the cause of action arose. As per the pleadings of the Petitioner, the cause of action arose on 28.10.1996 and the Petitioner does not appear to have challenged the regularization of Respondent No.4. Subsequently, the Petitioner was regularized in the year 2008, even at that point of time he had not raised any grievance so far as regularization being made at a late stage. However, subsequently, it appears that he had made a representation, but that would not by itself extend the cause of action for approaching the Court for exercising the writ jurisdiction.

4. In 2014 (4) SCC 108 (Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu), the Supreme Court after relying on its decision rendered in 1986 (4) SCC 566 (State of M.P. v. Nandlal Jaiswal), held thus at paragraphs 15 and 16:

“15. xxx xxx xxx

“24. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.”

Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice.

16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant – a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the list.”

5. In view of above, the present writ petition also suffers from delay and laches and therefore the same is dismissed on the ground of delay.

Sd/-
(P. Sam Koshy)
Judge

/sharad/