

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 836 of 2017**

- Madho Prasad Sharma S/o Shri Phul Chand Sharma, Aged About 59 Years Presently Deputy Ranger, Pendari Kanan, R/o Chaitanya Gali, New Sarkanda, Bilaspur, Tahsil & District Bilaspur (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Forest, Mahanadi Bhawan, New Raipur (Chhattisgarh)
2. The Divisional Forest Officer, Bilaspur Forest Division, Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. Ritesh Verma, Advocate
For State:	Mr. Gary Mukhopadhyay, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20.02.2017**

1. The present Writ Petition has been filed assailing the order dated 20.5.2005 by which order for suspension of one increment with cumulative effect was passed.
2. There is only one explanation which has given for the delay caused in challenging the said order, that the Petitioner was unaware of the impugned order of punishment which has been passed.
3. Further the Counsel for the Petitioner submits that the Petitioner could obtain the impugned order only after a legal notice which was issued on 30.01.2017 and the reply of which was received on 03.02.2017 accompanied the impugned order.

4. The said submission of the Counsel for the Petitioner is hard to accept for the reason that the order of the Punishment itself would result in the lessening of salary of the Petitioner. Therefore it is hard to believe that the Petitioner was not knowing the reduction in his salary for all these 15 to 17 years till 2017.
5. The Reason assigned in the Petition for delay not being satisfactory, the same cannot be accepted. Neither this Writ Petition or the pleading in the Petition show any effort which the Petitioner has made for getting any information from the department so far as the impugned order is concerned or so far as the reduction of the salary is concerned. These facts force this Court to draw an inference that the legal notices and subsequent obtaining of the document all have been moved only with an intention of giving an explanation to the unexplained inordinate delay in challenging the order dated 20.05.2005. The present Petition thus suffers from delay and laches and therefore does not call for inference.
6. The Present Writ Petition accordingly stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE