

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 980 of 2017**

- Horilal Gandharva S/o Jhaduram Gandharva, Aged About 67 Years R/o Retd. Gram Sahayak, Presently Residing At Naya Mandi, Chulghat Road, Ward No. 1, Takhatpur, Tahsil And District Bilaspur, (Chhattisgarh)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat Department, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
2. Director, Panchayat Department, Mahanadi Bhawan, Naya Raipur, District Raipur, (Chhattisgarh)
3. Accountant General, Through Senior Account Officer, Vidhan Sabha Road, Raipur, (Chhattisgarh)

---- Respondents

For Petitioner:	Mr. T.K. Jha, Advocate
For State :	Mr. S.P. Kale, Dy. Advocate General
For Respondents No.3:	Mr. Ramakant Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****28.02.2017**

1. The Writ Petition has been filed with a limited prayer for a direction to the Respondent No.1 to decide the departmental appeal against a punishment which was preferred by the Petitioner in the year 1998. The Petitioner also wants that the Respondent be directed to re-calculated the G.P.F. Account of the Petitioner and to verify as to how the Petitioner's Account is showing a deficit of Rs. 66679/-.
2. So far as relief No.1 is concerned this Court is not inclined to entertain the same on account of there being a huge delay on the part of the Petitioner in raising the grievance against the punishment order passed in the year 1998. According to the Petitioner he had immediately preferred for departmental inquiry as such it is after about 19 years from the date of the

punishment order the appeal having preferred that the present Petition has been filed.

3. The Supreme Court in **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu**¹ has held thus:-

“15. In State of M.P. v. Nandlal Jaiswal the Court observed that: (SCC p. 594, para 24)

“24. ... it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic.”

It has been further stated therein that: (Nandlal Jaiswal case, SCC p. 594, para 24)

“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 the 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”

¹ (2014) 4 SCC 108

and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”

4. Thus on the ground of delay and latches the relief No. 1 stands rejected.
5. However, so far as relief No.2 is concerned it deserves to be reverified on account of the fact that the Annexure P/3 of the Petition issued by the department shows that an amount of Rs. 5,59,094 is in the credit of the Petitioner whereas Annexure P/4 which has been issued from the office of the Accountant General shows there is deficit of Rs. 66679/- being shown in the account of the Petitioner.
6. It is directed that subject to the cooperation of the Petitioner the Director, Panchayat shall conduct an inquiry in respect of the G.P.F. account of the Petitioner and further recommend the case of the Petitioner in accordance with the findings arrived at in the enquiry. Thereafter, if required, to suitably recommend the same to the office of Accountant General within a period of 90 days from the presentation of the certified copy of this order. In case if the assessment of the office of the Accountant General showing the deficit amount is incorrect and there are certain dues in the GPF account of the Petitioner, the same shall be released forth with.
7. With the aforesaid observation the present Writ Petition stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE