

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT APPEAL No. 1512 OF 2017

DATED 12TH OCTOBER, 2017

Between:

T.Ganapathi

... Appellant

AND

Telangana State Road Transport Corporation,
Rep. by its Managing Director, Musheerabad,
Hyderabad, and others

... Respondents

Counsel for the appellant

:

Sri G.Rajesh

Counsel for the respondents

:

Sri A.Ravi Babu

THE COURT MADE THE FOLLOWING

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

A far too belated attempt by the appellant to revive a stale claim was rightly aborted by the hierarchical authorities and the learned single judge of this Court.

2. The brief facts leading to the filing of this Writ Appeal are as follows:

The appellant was appointed as a conductor in respondent No. 1 corporation on contract basis. For having unauthorizedly absented from 02-02-2009 to 06-02-2009, his services were terminated by order dated 13-02-2009. More than six years thereafter *i.e.* on 24-04-2015, the appellant made a representation before respondent No. 3. The said representation was rejected on 26-05-2015. On 15-07-2015, a purported review was filed before respondent No. 2 who by his order dated 15-02-2016 rejected the said review. The Writ Petition filed by the appellant against the said orders of respondent Nos. 2 and 3 having been dismissed mainly on the ground of laches on the part of the appellant, this Writ Appeal is filed by him.

3. The appellant slept over his rights if any for more than six years before he woke up from his deep sleep and made a representation on 24-04-2015. This conduct of his clearly demonstrates that he was not interested in his employment. Both respondent Nos. 2 and 3 have rightly rejected the belated claim of the appellant. The law is well settled that the unexplained delay defeats a person's rights. Dealing with the aspect of delay and laches, the Supreme Court in **Chennai Metropolitan Water Supply & Sewerage Board & others Vs. T.T.Murali Babu**¹ held in para No. 16 as follows:

"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 scrutinize 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

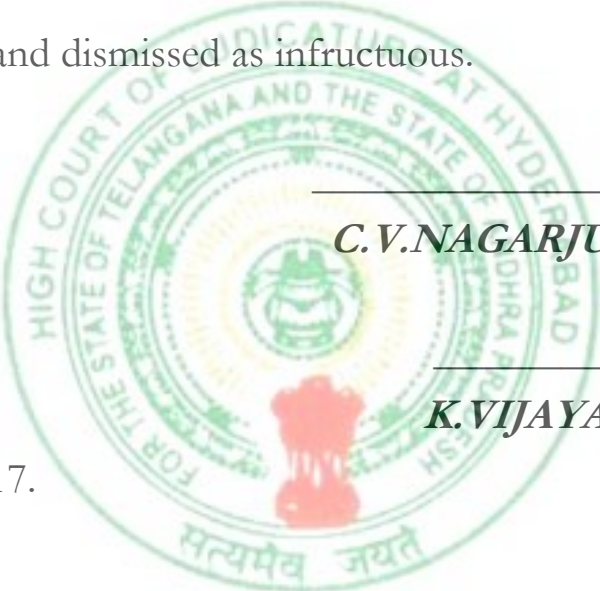
¹ 2014 (4) SCC 108

like a phoenix. Delay does bring in hazard and causes injury to the lis."

The observations made by the Apex Court in the above extracted para of the judgment apply in all fours to the case on hand. Hence, we have no hesitation to dismiss the Writ Appeal.

4. The Writ Appeal is accordingly dismissed.

5. As a sequel to dismissal of the Writ Appeal, W.A.M.P.No. 2803 of 2017 shall stand dismissed as infructuous.



C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 12-10-2017.

JSK