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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 327 of 2016**

{Arising out of Order dated 21.04.2016 passed in Writ Petition (S) No. 1168 of 2016 by the learned Single Judge}

1. Ramkhilawan Nirmalkar S/o Shri Dulari Ram Nirmalkar, Aged About 52 Years Occupation Service, Presently Posted As Hostel Peon, Govt. Polytechnic College, Korba, Civil And Revenue District Korba Chhattisgarh
2. Bahuran Singh Khairwar, S/o Aadhar Singh Khairwar, Aged About 41 Years Occupation Service, Presently Posted As Hostel Peon, Govt. Polytechnic College, Korba, Civil And Revenue District Korba Chhattisgarh
3. Mohd. Javed, S/o Mohd. Yunus, Aged About 40 Years Occupation Service, Presently Posted As Peon, Govt. Polytechnic College, Korba, Civil And Revenue District Korba Chhattisgarh
4. Ganesh Ram Sahu, S/o Laharu Prasad Sahu, Aged About 52 Years Occupation Service, Presently Posted As Hostel Chowkidar, Govt. Polytechnic College, Korba, Civil And Revenue District Korba Chhattisgarh
5. Deepak Kumar Patwa, S/o Resham Lal Patwa, Aged About 40 Years Occupation Service, Presently Posted As Hostel Chowkidar, Govt. Polytechnic College, Korba, Civil And Revenue District Korba Chhattisgarh

---- Appellants**Versus**

1. State of Chhattisgarh Through The Secretary, Department Of Technical Education, Mahanadi Mantralaya, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur Chhattisgarh
2. Commissioner/Director, Directorate Of Technical Education, Chhattisgarh, Block- 3, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. Additional Director, Directorate Of Technical Education, Chhattisgarh, Block- 3, Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh
4. Principal, Government Polytechnic, Korba, District Korba Chhattisgarh

---- Respondents

For Appellant : Shri Dhani Ram Patel, Advocate.
For Respondent/State : Shri Gary Mukhopadhyay, Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per Ajay Kumar Tripathi, Chief Justice

14/09/2018

1. Heard counsel for the parties.
2. Writ application has been preferred against the order dated 21.04.2016 passed by the learned Single Judge who dismissed the writ application on the ground of extraordinary delay and laches.
3. The Appellants were admittedly appointed as daily wagers sometimes in the year 1999. On the basis of a policy dated 15.12.1992, the Respondent authorities decided to regularise the services of the Appellants and granted them regular pay-scale from 01.08.2005. They have drawn advantage of the said pay-scale for almost eight years and then they moved the High Court that the benefit of regular pay scale should have been granted to them after completion of three years of service and since there is a delay in such grant, a direction ought to be issued upon the Respondents to give them benefit of regular pay scale from a prior date.
4. The learned Single Judge has taken note of the fact that way back on 01.08.2005, the benefit was extended, and only in the year 2014, they raised a grievance that such grant should have been from a previous date or year. But when question as to why they waited till the year 2014 to raise such grievance, except for a statement that representation was filed, nothing else in terms of satisfactory explanation is being offered.

5. Keeping in mind that settled position ought not be unsettled at the mere asking or convenience of the litigant. It also emerges that the decision to grant them regular pay scale was taken by a committee after considering the cases of all such eligible persons. Such decisions cannot be taken with clockwork precision. Even otherwise, the writ application seems to have been filed as an afterthought rather than for assertion of any violation of a right at the very threshold. The reasons assigned by the learned Single Judge are good enough which does not require interference.
6. The appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE