

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2146 of 2018**

A.K. Agrawal S/o Late Shri Rameshwar Das Agrawal, Aged About 63 Years,
Retired Additional Collector, R/o Near Ansh Hotel Dhimarapur Chowk
Jagatpur, Raigarh, Tahsil And District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. The State of Chhattisgarh, Department of General Administration,
Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. The Secretary, Chhattisgarh Public Service Commission, Shankar Nagar,
Raipur District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Roop Naik Advocate.
For Respondent/State	:	Mr. R.N. Pusty, G.A.
For Respondent No. 2	:	Mr. Ashish Shrivastava, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08/03/18**

1. By way of the present writ petition, the petitioner has prayed for issuance of direction to the respondents to hold a review DPC for granting State Administrative Service (Deputy Collector) Junior Grade to the petitioner with effect from the year 2000.
2. The present writ petition has been filed on 22.02.2018 and the petitioner stood retired from service in the year 2016. The petition in the opinion of this Court suffers from delay and laches.
3. The regular DPC were held by the State Government since 2004 onwards and in which, the petitioner has been considered for grant of pay scale that were payable to him from time to time. Now after retirement from service in the year 2016, the petitioner, in the year 2018, has filed this

present writ petition seeking for review DPC which was held between 16.11.2004 to 19.01.2005 entitling the petitioner all those benefits which arose in the year 1994 but was granted to the petitioner only on 23.08.2002 with effect from the year 2000.

4. In the opinion of this Court, the petitioner has now filed this luxurious litigation post retirement, when even after 2004 he remained employed till 2016. It is only in 2016 for first time a representation was made by the petitioner which by itself establishes the fact that all those period when he was in service he has not raised any objection with respect to non-holding of the DPC for the intervening period from 1994 to 2004. Moreover, in the year 1998 also, it is said that DPC was convened.

5. The grievance of the petitioner is that the respondent authorities have not properly acted upon the guidelines of the State Government regarding holding DPC is concerned. All these grounds ought to be agitated by the petitioner at the appropriate time which he has not done all through his service. The contention of the petitioner cannot now be accepted for the reason that if the prayer of the petitioner is to be accepted, it will now open a Pandora Box and many things which have already been settled would have to be reopened and all this definitely cause great administrative difficulties. Moreover the fact that the petitioner had not challenged or raised any grievance and the subsequent benefits which were given to him also was accepted without any demur or obligation gives a clear impression that he had no grievance at that point of time and it is only now after almost two decades that he is trying to raise a stale claim.

6. As such the petition suffers from delay and laches, the same deserves to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge