

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 7185 of 2007

Shivanand Pandey S/o Late Kuber Pandey, aged about 60 years, R/o village Surdongar, Post Keshkal, District Bastar (C.G.). (Since died, hence stands deleted vide order dated 13/03/2018 itself).

---Petitioner

Versus

Divisional Forest Officer (General), Kanker Forest Range, District Kanker (C.G.).

---Respondent

For petitioner	:	Shri H.B.Agrawal, Senior Advocate along with Ms.Prabha Sharma, Advocate.
For respondent	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

13/03/2018

1. Heard on I.A.No.4, which is an application for amendment in the petition, necessitated in the light of the original petitioner Shivanand Pandey expired pending the petition before this Court.
2. Also heard on I.A.No.3, which is an application for substitution of name of the sole petitioner who has since expired on 22/09/2017.
3. On due consideration, I.A.No.3 is allowed.
4. Let necessary corrections be carried out during the course of the day itself.
5. Present Writ Petition has been filed seeking relief of regularization to the petitioner from 09/01/1990 instead of 17/11/1999. The petitioner in the instant case was working as a Guard with the respondent whose initial appointment was made on 17/05/1985. In due course of time by virtue of the

circular of the State Government, the services of the petitioner were regularized with effect from 17/11/1999. The petitioner continues in employment and subsequently on 05/09/2007, the present Writ Petition was filed before this Court for benefit of regularization from back date.

6. The entire claim of the petitioner is hit by delay and laches for the simple reason that, the petitioner was regularized in services in due course of time on 17/11/1999. The present Writ Petition was filed after more than 8 years from the date the petitioner was regularized. No proper explanation has been provided as to what prevented the petitioner from filing the claim for regularization from back date till the year 2007.

7. Another aspect which cannot be lost sight of is that, annexure-R/5 is an order whereby the claim for regularization of the petitioner was first rejected by the State Government on 28/05/1990. If that is taken into consideration, the petition suffers from delay and laches for 17 long years.

8. The order annexure-R/5 dated 28/05/1990 was now challenged by the petitioner.

9. During the pendency of the petition, the petitioner has also since expired.

10. Under the given facts and circumstances of the case this Court is of the opinion that, the relief sought for by the petitioner cannot be granted at this juncture.

11. The petition thus fails and deserves to be and is accordingly rejected.

Sd/-

(P. Sam Koshy)
JUDGE