

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 2621 of 2018

Durga Prasad Tiwari S/o Bhukhan Prasad, Aged About 61 Years, Earlier Posted As Site Assistant, At Office Of Executive Engineer, Public Work Department, Champa Division, Champa, District Janjgir-Champa, Chhattisgarh. R/o - House No. 159, Ward No. 15, Irrigation Colony, Champa, District- Janjgir- Champa, Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Public Work Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, Raipur Chhattisgarh.
2. Engineer In Chief, Public Work Department, Sirpur Bhawan Raipur, District- Raipur, Chhattisgarh.
3. Chief Engineer, Public Work Department, Bilaspur Circle District Bilaspur, Chhattisgarh.
4. Superintendent Engineer, Public Work Department, Bilaspur, Division District- Bilaspur, Chhattisgarh.
5. Executive Engineer, Public Work Department, Champa Division Champa, District- Janjgir- Champa, Chhattisgarh.
6. Accountant General, Office Of Accountant General, Zero Point, Baloda Bazar Road, Raipur, District- Raipur, Chhattisgarh.

---Respondents

For petitioner	:	Shri Ishan Verma, Advocate.
For respondent No.6	:	Shri Bhupendra Singh, Advocate.
For State	:	Shri Sangharsh Pandey, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/03/2018

1. The challenge in the present Writ Petition is to Annexure-P/1 dated 04/02/2017 whereby the request of change in date of birth of the petitioner in the service record has been rejected.

2. This Court is not inclined to entertain the present Writ Petition for the reason that, from perusal of record it appears that for the first time on 15/03/2016, the petitioner raised his grievance before the respondents i.e. just 15 days before his retirement i.e. on 31/03/2016 as per the records available with the respondents.

3. Thus, this Court has no hesitation in holding that the petition suffers from delay and laches for the reason that, the petitioner was appointed with the respondents wayback in the year 1972 and from 1972 the petitioner was in employment till 2016 and for the first time he raised his grievance just 15 days before his retirement.

4. Moreover as per rules itself, the notice of retirement also is served upon the employee much in advance. Even then the petitioner did not think it proper for challenging the same.

5. The present Writ Petition thus as it suffers from delay and laches deserve to be and is accordingly rejected.

6. However, the reluctance by this Court in entertaining the present Writ Petition would not come in way of petitioner if he seeks to ventilate his grievance with the respondents.

7. The Writ Petition accordingly stands dismissed.

Sd/-

(P. Sam Koshy)
JUDGE