

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 6987 of 2011**

- Amrit Lal Thawait, S/o Late Atmaram Thawait, Aged about 66 years (Retired Assistant Grade-II), R/o Village – Khokhara, Tahsil Janjgir, District Janjgir -Champa (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Secretary, Law Department, D.K.S. Bhawan, Raipur (Chhattisgarh)
2. Registrar General, Chhattisgarh High Court, Bilaspur, District Bilaspur (C.G.)
3. District and Session Judge, Bilaspur, District Bilaspur (C.G.)
4. Joint Director, Treasury, Account and Pension, Bilaspur, District Bilaspur (C.G.)

---- Respondents

For Petitioner	:	Shri Dhani Ram Patel, Advocate.
For Respondent No.1	:	Shri B. Gopa Kumar, Deputy Advocate General.
For Respondents No.2&3	:	Shri Manoj Paranjpe, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16.04.2018**

1. The grievance of the Petitioner in the present writ petition is not granting the benefits which the Petitioner was entitled for while in service and also not settling the GPF amount payable to the Petitioner on his retirement. The details of the claim which the Petitioner has made is as under:
 - I. The first claim is that of not granting of two additional increments which he was entitled for passing the Hindi Typing examination. The Petitioner claims to have passed the Hindi Typing examination in 1971. However, all along his service period he had never claimed the grant of the said additional increment and stood retirement from service on 30.04.2004.
 - ii. The second relief was not granting House Rent allowance for the period of July 2001 to July 2002. This again the Petitioner had not claimed in service

till April 2004 and raised for the first time along with the present writ petition which was filed in the year 2011.

- iii. The third claim of the Petitioner is for the grant of wages for seven days i.e. from 24.10.1966 to 31.10.1966 and again of two days i.e. on 31.08.1968. This again the Petitioner all along for a period of 40 years of service did not claim it and has claimed it only after about 7 years from the date of his retirement.
 - iv. The fourth claim sought for is the payment of Rs.750/- for having worked on 03.04.2001 on which day Lok-Adalat was held at the District Court.
 - v. The fifth relief sought for is that the GPF amount have not been settled by the Respondent.
2. So far as the first four reliefs are concerned, this Court has no hesitation in reaching the conclusion that the claim of the Petitioner is highly belated. So far as the settlement of GPF amount, the fifth relief is concerned the Respondent has specifically pleaded that the GPF amount to the tune of Rs.2,07,511/- was released on 17.01.2005 and subsequently a balance amount of Rs.906/- was also released to him on 18.03.2005. Thereafter, the Petitioner has not been able to establish as what GPF amount is left to be paid to the Petitioner. In the absence of details of the GPF amount left payable to the Petitioner the amount which has been paid by the Respondent cannot be said to be less than what was payable.
 3. What is also necessary to take note of is the fact that after the Respondents had filed their reply and had given the details of each of the amount paid to the Petitioner under the GPF head has not been disputed in any manner by way of rejoinder, neither has he in his rejoinder stated that he was entitled for much more than what has been paid to him. Given the aforesaid facts and circumstances, so far as the reliefs No.1 to 4 are concerned, the petition suffers from delay and laches and the same deserves to be rejected on the

ground of delay. So far as the relief pertaining to the GPF is concerned, in the light of the reply of the Respondents, it appears that the grievance of the Petitioner under the GPF head stands completely redressed, as there is no objection in the rejoinder raised, nor has the Petitioner given any details of what amount is left.

4. It would be relevant referred to the judgment of the Supreme Court in the Case of **State of U.P. & Others Vs. Arvind Kumar Shrivastava & Others; 2015 (1) SCC 347** wherein the Supreme Court referring to various judicial pronouncement has categorically held that a petition filed highly belatedly with no proper explanation for the delay should not be entertained as a matter of routine by the High Court under Article 226 of the Constitution of India, as the person who approaches the Court at a belated stage is not entitled for the discretionary relief. It has also been held that the Petitioner would not entitled for any relief if the writ petition has been filed by the Petitioner without any proper explanation or justification for delay in the filing of the writ petition. It was also held that as challenge not made for a considerable period of time by itself would mean the Petitioner has acquiesced of his claim at the relevant time. The writ petition accordingly deserves to be dismissed.
2. With the aforesaid direction, the writ petition stands finally disposed of.

Sd/-
(P. Sam Koshy)
JUDGE