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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 335 of 2016**

{Arising out of Order dated 21.04.2016 passed in Writ Petition (S) No. 1163 of 2016 by the learned Single Judge}

Sunder Singh Khairwar S/o Late Shri Baldeo Prasad Khairwar, aged about 39 years, Occupation Service, presently posted as Hamal, Govt. Polytechnic College, Korba, Civil And Revenue District Korba Chhattisgarh

---- Appellant

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 Appellant was admittedly appointed as daily wager 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 Appellant and granted him regular pay-scale from 01.08.2005. He had drawn advantage of the said pay-scale for almost eight years and then he moved the High Court that the benefit of regular pay scale should have been granted to him 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 him the 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, he raised a grievance that such grant should have been from a previous date or year. But when question as to why he 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 him 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