

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**W.P.S. NO. 6162 OF 2018**

- Shrikant Das, S/o Shambhu, aged about 25 years, R/o Village, P.V. 40, Post Pankhajur, District North Bastar Kanker (CG)

... Petitioner**versus**

1. The State of Chhattisgarh, through the Secretary, Department of Education, Mantralaya, Mahanadi Bhawan, New Raipur, Distt. Raipur (CG)
2. The Collector, District North Bastar Kanker (CG)
3. District Education Officer, North Bastar, Dist North Bastar Kanker (CG)
4. Head Master, Government Primary School Furfundi, Block Koribeda, District North Bastar Kanker (CG)

... Respondents

For Petitioner	:	Mr. Atanu Ghosh, Advocate.
For Respondent-State	:	Mrs. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****19/09/2018**

1. Challenge in the present writ petition is to the order dated 13.3.2012, Annexure P-1, where by the claim of the petitioner for grant of compassionate appointment has been rejected on the ground that the same having been filed beyond the period prescribed under the scheme for compassionate appointment.
2. At the outset, this Court is not inclined to entertain the present writ petition on the ground that the same suffers from delay laches. The impugned order has been passed more than 6½ years back on 13.3.2012.
3. So far as the law in respect of compassionate appointment is concerned, it has been by now decided in a catena of decisions that the claim for compassionate appointment should be raised promptly. The very object of compassionate appointment is to ensure that the family members of the deceased employee are not put to unnecessary financial crisis or stage of penury on the death of bread-earner of the family.
4. So far as the question pertaining to delay laches is concerned, it has already been decided by the Hon'ble Supreme Court in a catena of decisions in **P. S. Sadasivaswamy v. State of Tamil Nadu¹, Uttaranchal**

¹ 1975 (1) SCC 152

Forest Development Corpn. & Another v. Jabar Singh & Others², New Delhi Municipal Council v. Pan Singh and others³ and State of Uttaranchal and Another v. Shiv Charan Singh Bhandari and Others⁴. In all these cases, it has been held that "it is trite law that the discretionary jurisdiction may not be exercised in favour of those who approach the court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction.

5. In case of **Bhoop Singh v. Union of India⁵**, the Hon'ble Supreme Court has again has held as under:

"8. ...Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief..."

6. The Hon'ble Supreme Court further in the case of **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu⁶**, has made the following observations:

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant-a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis."

2 2007 (2) SCC 112

3 2007 (9) SCC 278

4 2013 (12) SCC 179

5 1992 (3) SCC 136

6 2014 (4) SCC 108

7. A similar view has also been taken earlier by this Bench in the case of **Smt. Leena Lucas v. State of C.G. & Another**⁷ decided on 1.10.2015 in W.P.(S) No. 6316 of 2010.

8. For all the aforesaid reasons, this Court is of the opinion that the present writ petition suffers from delay laches and the writ petition stands dismissed only on the ground of delay and laches.

9. The writ petition accordingly stands dismissed.

**Sd/-
(P. Sam Koshy)
Judge**

/sharad/

⁷ 2016 (1) C.G.L.J. 137