

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7587 of 2018

Kaushal Prasad Patel S/o Late Shiv Dayal Patel Aged About 63 Years Post Retired Sahayak Pashu Chikitsa Chetra Adhikari, R/o House No. 139, Kelo Bihari Coloney (Chandranagar), Near Sarap Bhavan, District- Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Live Stock Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh.
2. The Secretary General Administration Department, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh.
3. Directorate Veterinary Services, Ground Floor, Block No.3, Indravati Bhavan, New Raipur, District- Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Yogesh Chandra, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/11/2018

1. The claim of the petitioner in the present writ petition is for grant of second Kramonnati pay scale w.e.f. 23.04.2008 in stead of 01.08.2003 which has been granted.
2. The case of the petitioner is that he was working as Sahayak Pashu Chikitsa Adhikari on the date of his retirement which is 31.08.2017. While the petitioner was in service, he had got the benefit of Kramonnati vide order dated 23.04.2008 granting the benefit w.e.f. 01.08.2003. The grievance of the petitioner is that the petitioner should have been granted the benefit of Kramonnati from the date he completed 24 years of service i.e. from 23.04.2008 and not 01.08.2003.

3. The aforesaid factual matrix of the case is not disputed.
4. Perusal of the record would show that the petitioner even after the order of Kramonnati being passed in his favour vide order dated 23.04.2008 continued to remain in employment for another period of about 9 years. During these period the petitioner never raised any grievance or objection nor was he aggrieved by the decision of the respondents granting the benefit of Kramonnati from 01.08.2003. It is now after more than one year from his retirement and more than 10 years from the date the benefit was granted to him that he has filed the present writ petition.
5. The factual details given in the preceding paragraphs and the relevant dates mentioned herein above would clearly reflect that there is a huge inordinate and unexplained delay on the part of the petitioner in approaching the Court for redressal of his grievance if any. The petition suffers from delay and laches. The matter seems to be a post retiral luxurious litigation. Moreover, from the reading of the pleadings it appears that the dispute is confined to the benefit that the petitioner might have got would be of less than 4 months period as according to him he should have got it from 01.08.2003 and he has been granted the benefit from 01.08.2003.
6. For the aforesaid reasons this Court does not find any strong case made out by the petitioner and the writ petition therefore deserves to be and is accordingly rejected on the ground of delay and laches.

Sd/-
(P. Sam Koshy)
Judge