

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 63 of 2019

Smt. Santoshi Bai W/o Shri Dinesh Kumar Aged About 38 Years R/o Village Kesla, Tahsil Lailunga, (Wrongly Mentioned As Sarangarh In The Impugned Order), District - Raigarh Chhattisgarh.

---- Petitioner

Versus

1. The Commissioner Bilaspur Division Bilaspur District - Bilaspur Chhattisgarh.
2. Project Officer Ekikrit Bal Development Project Lailunga, District Raigarh Chhattisgarh.
3. Executive Officer Janpad Panchayat Lailunga, District Raigarh Chhattisgarh.
4. District Program Officer Woman And Child Development, Raigarh, District Raigarh Chhattisgarh.
5. Smt. Rewati Bhoi W/o Tirathram Working As Aagan Badi Worker And Posted At Village Kesla, Tahsil Lailunga, District Raigarh Chhattisgarh.

---Respondents

For Petitioner	:	Mr. Hemant K. Patel, Advocate
For State	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/01/2019

1. The challenge in the present writ petition is to the order of the Collector, Raigarh dated 25.02.2013 as also by the Additional Commissioner, Bilaspur dated 18.03.2015.
2. The facts relevant for the adjudication of the present writ petition is that the petitioner was initially appointed as an Anganbadi worker for village Kesla, tahsil Lailunga, district Raigarh. The said order of appointment of the petitioner was questioned by the respondent No.5 before the Collector, Raigarh in an appeal and the appeal stood allowed on 25.02.2013. The Collector ordered for canceling of the appointment issued to the petitioner and further ordered for appointing the respondent No.5 in place of the

petitioner. The said order was promptly acted upon and the respondent No.5 is since then working.

3. The order of the Collector was also questioned in a revision before the Commissioner, Bilaspur division and the Commissioner also dismissed the revision of the petitioner on 18.03.2015 thereby affirming the order of the Collector.
4. Though the order of the Additional Commissioner was passed on 18.03.2015, the present writ petition is being filed after almost about 4 years i.e. on 02.01.2019 challenging the order of the Commissioner.
5. This Court has no hesitation in holding that the petition suffers from delay and laches. It is settled position of law that a writ remedy to be exercised by an aggrieved person, he should approach the Court at the first available opportunity or atleast within a reasonable period. Four years of time can under no stretch of imagination can be said to be a reasonable period, particularly when it is a matter of appointment in a particular post. Moreover, the respondent No.5, who had successfully challenged the appointment of the petitioner, got an appointment way back in the year 2013 itself. As such after the order of the Commissioner on 18.03.2015 stands settled. By entertaining a writ petition at the belated stage, this Court would not like to unsettle things, which have by efflux of time got settled.
6. The writ petition therefore, as it suffers from delay and laches, deserves to be and is accordingly dismissed on this ground alone.

Sd/-
(P. Sam Koshy)
Judge