

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 40 of 2019**

Kaushal Prasad Patel S/o Late Shiv Dayal Patel Aged About 63 Years Post Retired Sahayak Pashu Chikitsa Chhetra Adhikari, R/o Village House No. 139, Kelo Bihari Colony (Chandranagar), Near Sarap Bhawan, Raigarh District Raigarh Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through 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, Indrawati Bhawan, New Raipur District - Raipur Chhattisgarh.

---- Respondents

For Appellant	: Shri Yogesh Chandra, Advocate.
For Respondent/State	: Shri R.S. Baghel, Deputy Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**26/02/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. Writ application was filed by the Appellant after his superannuation in the year 2018 making a grievance that he should have been granted *Kramonnati* on the date he completed 24 years of service i.e. 10.04.2002 instead of 01.08.2003.
3. Learned Single Judge took note of the fact that such benefit remained so for nine years and at no point of time, there was any objection raised on his behalf while he was in service. Only after more than a year of retirement, he is trying to claim a benefit of shifting the date. Writ application was dismissed on the ground of laches and delay.

4. Submission of the counsel for the Appellant is that in the case of *S.B. Tripathi and Others v. State of Chhattisgarh reported in 2010 LawSuit (Chh) 4*, a Division Bench took the view that it is a recurring cause of action as wrong fixation of salary and pay will create issues every month.

5. The complete facts and details are not available before us in the pleadings. It may be that on completion of 24 years, an employee becomes entitled to be granted benefit of time-bound promotion (*Kramonnati*), but then this grant is always subject to fulfilling of all other requirements which includes the fulfillment of eligibility and conditions which are applicable for regular promotion. There could be reasons thereof why the Appellant chose to be silent all along while in service and never raised issue that there was a delay in grant of benefit of *Kramonnati*.

6. The circumstances being such, the view taken by the learned Single Judge that delay and laches does not enthrone him from entertaining the writ application cannot be said to be a wrong view so taken.

7. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE