

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3845 of 2019

Leelo Bai S/o Late Ramsai Uraon Aged About 37 Years R/o Village Paiku
Post Ratamati Tahsil Jaspur District Jashpur, Chhattisgarh., District :
Jashpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Commissioner Directorate Women And Child Development Mahanadi Indrawati Bhawan 2nd Division 4th Floor, Atal Nagar, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Chief Executive Officer Janpad Panchayat, Jashpur, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
3. District Project Officer Women And Child Development Jashpur Naar District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh
4. The Collector Jashpur Collectorate Jashpur District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. N. K. Malviya, Advocate.
For State	:	Ms. Sunita Jain, GA

Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/05/2019

1. The challenge in the present writ petition is to the order Annexure P-1 & P-2 whereby the petitioner has been removed from the post of Aaganbadi Worker from the Aanganbadi Centre Dipa Peku, post -Tahsil Jashpur, Jashpur Nagar.
2. At the outset this Court finds that petition suffers from delay and laches. Services of the petitioner were dismissed in the year 2006. Counsel for the petitioner submits that on account of misconduct and a complaint received the General Body of the Gram Panchayat held the meeting on 13/11/2006

wherein it was resolved that petitioner should be removed from the Aanganbadi Centre Dipa Peku. The said decision of the general body was called upon by the order Annexure P-2 dated 20/06/2006 by the Chief Executive Officer, Janpad Panchayat, Jashpurnagar, District Jashpur, Respondent No. 2.

3. The present writ petition has been filed in May, 2019 i.e. after about more than 13 years from the date the order has been passed. Counsel for the petitioner tried to justify the case and explain delay and submitted that petitioner was also subjected to a criminal case and where she has got acquittal and subsequently she had filed a writ petition which too was in the year 2012 was withdrawn with liberty to approach the authorities concerned and since no decision has been taken, it cannot be said that the petition suffers from delay and laches. The said justification of the counsel for the petitioner is not acceptable to this Court for the reason that a criminal case which was initiated against the petitioner also stood decided on 06.11.2008 i.e. more than 11 years back.
4. Moreover, the writ petition that the petitioner had filed in 2012 was simply withdrawn without their being any liberty by this Court. The fact that the petitioner had withdrawn the writ petition itself shows that the petition was withdrawn when this Court was not inclined to entertain the writ petition on its merits.
5. More over, subsequent the representation which has been made also seems to have been made more than 5 years back. All these things show that there is inordinate unexplained delay on the part of the petitioner in approaching the Court for ventilating her grievance for challenging the order of termination.

6. For the aforesaid reasons, this Court is not inclined to entertain the writ petition and the same deserves to be and is accordingly dismissed on the ground of delay.
7. Needless to mention, rejection of this writ petition should not come in the way of petitioner in availing other remedies open to her.

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

Rohit