

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4875 of 2019**

Goverdhanlal Yadav S/o Late Madan Lal Yadav Aged About 40 Years R/o
Hanuman Nagar, Pahadi Lodhipara, Gudhiyari, Raipur, District- Raipur,
Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Chhattisgarh State Power Holding Company Limited Through Its
Managing Director, Dagania, Raipur, Chhattisgarh., District : Raipur,
Chhattisgarh
2. The Managing Director Chhattisgarh State Power Holding Company
Limited, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. The Executive Engineer Chhattisgarh State Electricity Distribution
Company Limited, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. The Superintending Engineer Chhattisgarh State Electricity Distribution
Company Limited, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. K. P. Sahu, Advocate
For State	:	Mr. Arvind Dubey, PL

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/07/2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 09.12.2014. Vide the said impugned order the respondents have rejected the claim of the petitioner for grant of compassionate appointment.
2. The dates relevant for disposal of the present writ petition is that the father of the petitioner working as a Line Attendant under the respondent died in harness on 12.07.1998. The petitioner as it seems meanwhile moved an application for compassionate

appointment in August, 1998. Since there was no further developments, the petitioner moved another application in 2014 and which stood rejected vide the impugned order dated 09.12.2014.

3. At this juncture, this Court is of the opinion that the writ petition suffers from delay and laches, the impugned order that has been passed in December, 2014 and the present writ petition being filed as late as on 28.06.2019 i.e almost after about 5 years time. It is settled position of law that the claim for compassionate appointment should be made promptly if not within a reasonable time from the date of death of deceased employee. The compassionate appointment should not be considered as another mode of recruitment or a source of employment. The object behind framing the policy for compassionate appointment is to ensure that the family members of the deceased employee is not put to penury and they are not put in a state of financial crisis on the death of the sole earner in 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 Nadu**¹, **Uttaranchal Forest Development Corpn. & Another v. Jabar Singh & Others**², **New Delhi Municipal Council v. Pan Singh and others**³ and **State of Uttaranchal and Another v. Shiv Charan Singh Bhandari and Others**⁴. 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

1 1975 (1) SCC 152

2 2007 (2) SCC 112

3 2007 (9) SCC 278

4 2013 (12) SCC 179

long time. Delay and laches are relevant factors for exercise of equitable jurisdiction.

5. In case of **Bhoop Singh v. Union of India**⁵, the Hon'ble Supreme Court has again 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 Babu**⁶, 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."

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.

5 1992 (3) SCC 136

6 2014 (4) SCC 108

7 2016 (1) C.G.L.J. 137

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

Rohit