

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 205 of 2019**

1. State Of Chhattisgarh Through - Secretary, Water Resources Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur Chhattisgarh. (Petitioner No. 1 Was Not A Party Before The Appellate Authority, But Has Been Impleaded As Petitioner No. 1 Herein As It Is Necessary To Implead The State Government Through The Secretary Of Concerned Department)
2. The Sub Divisional Officer, Tandula Water Resources, Sub Division No. 1 Aadmabad, Tahsil and District Durg Chhattisgarh.

---- Petitioners**Versus**

1. Smt. Pila Bai W/o Late Paras Ram Sahu R/o Village Taraud, Post and Tahsil Taraud, District Balod Chhattisgarh.
2. The Appellate Authority, Under The Payment Of Gratuity Act, 1972 and Deputy Labour Commissioner, Office Of The Labour Commissioner, Chhattisgarh, Indrawati Bhawan, Atal Nagar, Naya Raipur Chhattisgarh.
3. The Controlling Authority, Under The Payment Of Gratuity Act, 1972 Balod, District - Balod Chhattisgarh.

---- Respondents

For Petitioner/State : Mr. Anshuman Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/09/2019**

1. The challenge in the present writ petition is to the order Annexure P-1 dated 30.09.2015. The impugned order passed by the Appellate authority under the payment of Gratuity Act, 1972. Vide the

impugned order the appellate authority under the Payment of Gratuity Act, 1972 has rejected the appeal holding appeal to be barred by limitation.

2. At the outset, this Court is of the opinion that the present writ petition suffers from delay and laches. The order under challenge which was passed four year back i.e. on 30.09.2015 and present writ petition has been filed on 22.08.2019 i.e. after four years.
3. No plausible explanation has been given by the petitioner to justify the inordinate delay in filing the writ petition. The belated writ petition all the more is not sustainable for the reason that the impugned order itself has been one in which the appeal of the State has been rejected as barred by limitation. In spite of the appeal being dismissed barred by limitation the respondents did not take appropriate steps in ensuring that writ petition is filed promptly within a reasonable period.
4. Without entering into the merits of the case, this Court is of the opinion that the writ petition fails on the ground of delay and laches itself and same stands rejected.

Sd/-
(P. Sam Koshy)
Judge