

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1758 of 2021

Vijay Kumar Kosta S/o Late H. L. Kosta Aged About 49 Years R/o G-1/12 G A D Colony, Kancha, Shankar Nagar, Raipur Police Station Khamardeeh, Tahsil Raipur District Raipur Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, General Administration Department, Mahanadi Bhawan, Police Station And Post Rakhi, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Secretary Of State Election Commission Office Of C. G. State Election Commission, D K S Bhawan, Near Old Mantralaya Raipur Police Station Gol Bazar Tahsil And District Raipur Chhattisgarh
3. Balram Dewangan S/o Shri Bhisham Lal Dewangan Working As Privet Secretary At Chhattisgarh State Election Commission Raipur Election Bhawan, Section 19, North Block Naya Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Akath Kumar Yadav, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/04/2021

1. The present writ petition has been filed aggrieved of the absorption of service of the respondent No.3 under the services of the respondent No.2 on the post of Stenographer.
2. Perusal of the record would show that the petitioner himself was an employee working in the Water Resources Department, who was sent on deputation to the respondent No.2 in the year 2003 and got absorbed in the year 2006. Likewise, the respondent No.3 also was initially appointed in the Mines Department under the State Government and was sent on deputation to the respondent No.2 and where he has

got absorbed in the year 2009. It is this absorption of the private respondent No.3, which is under question in the present writ petition.

3. This Court is of the opinion that writ petition suffers from delay and laches for the simple reason that the absorption of the respondent No.3 took place right under the nose of the petitioner in the year 2009 when the petitioner already working in that Department as an absorbed employee, absorbed as early as in the year 2006. All along for these period of more than a decade, the petitioner never had any objection to the absorption of the respondent No.3 and now after all these period, the petitioner now intends to challenge absorption of the respondent No.3. No plausible explanation has been given by the petitioner for not having approached this Court promptly or within a reasonable period of time.
4. For the given facts and circumstances of the case as the order of absorption by efflux of time has attained its finality and has got settled, it would not be proper at this juncture for this Court to subject the decision of absorption that took place more than a decade ago to be tested exercising the power of judicial review and unsettled things which have already by efflux of time got settled.
5. The writ petition thus deserves to be and is accordingly rejected on the ground of delay and laches alone.

Sd/-
(P. Sam Koshy)
Judge

Ved