

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through video conferencing****WA No. 154 of 2021**

1. Rajkumar Mansar S/o Shri Dhelau Ram Mansar, Aged About 40 Years R/o Shivam Vatika Colony, Quarter No. 36, Mopka, Bilaspur, Police Station - Sarkanda, District - Bilaspur Chhattisgarh.

---- Appellant**Versus**

1. Chhattisgarh State Power Distribution Company Limited, Through - The Chairman, Chhattisgarh State Power Companies Limited, Danganiya Raipur Chhattisgarh.
2. The Executive Director (Bilaspur Region), Chhattisgarh State Power Distribution Company Limited Bilaspur Chhattisgarh.
3. The Superintending Engineer, Office of Executive Director (Bilaspur Region), Chhattisgarh State Power Distribution Company Limited Bilaspur Chhattisgarh.
4. The Executive Engineer (City Division) East, Chhattisgarh State Power Distribution Company Limited Bilaspur Chhattisgarh.
5. The Superintending Engineer (O And M) Circle, Chhattisgarh State Power Distribution Company Limited Janjgir, District - Janjgir - Champa Chhattisgarh.
6. The Executive Engineer (O And M) Division, Chhattisgarh State Power Distribution Company Limited Champa, District - Janjgir - Champa Chhattisgarh.

---- Respondents

For Appellant - Rishi Rahul Soni, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.

Hon'ble Shri Parth Prateem Sahu, J.

Order On Board

By

Hon'ble Shri Prashant Kumar Mishra, Ag.Chief Justice.

18-06-2021

1. Heard.
2. Challenge in the writ petition before the Single Bench was to the order dated 01-02-2012, 04-05-2012, 24-06-2016 and 16-01-2017, whereby petitioner's prayer for grant of proper pay scale at the time of promotion from the post of Attendant Grade-II to the post of Attendant Grade-I was rejected.
3. The learned Single Judge has dismissed the writ petition on the ground of delay and laches. Admittedly, petitioner was promoted as Attendant Grade-I in the year 2010. His first representation was rejected on 01-02-2012 and the last i.e. 4th representation was rejected on 16-01-2017. Petitioner did not approach the Court immediately after rejection of the first or second representation but kept on representing the matter for another five years. Moreover, he did not prefer the writ petition immediately after rejection of the last representation in January, 2017. The writ petition was preferred on 18-01-2021 that is after about four years from the date of rejection of the 4th representation.
4. It is settled law that the writ Court would not come to assist a negligent and indolent petitioner. If a person sleeps over his right and fails to invoke the writ jurisdiction within reasonable i.e.

within 2-3 years of the accrual of the cause of action, the writ jurisdiction cannot be invoked for such petitioner. In the matter of **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu**¹ has held thus:-

“15. In State of M.P. v. Nandlal Jaiswal the Court observed that: (SCC p. 594, para 24)

“24. ... it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic.”

It has been further stated therein that: (Nandlal Jaiswal case, SCC p. 594, para 24)

“24. ... If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.”

Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice.

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 scrutinise 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*

1 (2014) 4 SCC 108

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."

5. The present writ petition having been preferred after about nine years from the rejection of the first representation, the same has rightly been dismissed by the learned Single Judge on the ground of delay and laches.
6. There is no scope for interference with the impugned order.
7. The writ appeal is accordingly dismissed.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Parth Prateem Sahu)
Judge

Amardeep