

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4801 of 2021

Manoj Sarvansh S/o Shyamlal Sarvansh Aged About 42 Years Presently
Posted As Constable At Outpost Kaknar, P.S. Mardum, District Bastar
Chhattisgarh

---- Petitioner

Versus

1. The State Of Chhattisgarh Through The Principal Secretary, Home
Department Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. Chhattisgarh Armed Force - II Police Headquarter, Raipur, District Raipur
Chhattisgarh
3. The Commandant 11th Battalion C.G. Armed Force, Janjgir Champa,
District Janjgir Champa Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate.
For State	:	Mr. Ishan Verma, PL

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

09/09/2021

1. Aggrieved by the impugned order Annexure P-1 dated 30.07.2016, the
present writ petition has been filed. Vide the impugned order the petitioner
has been subjected to penalty of stoppage of one annual increment with
cumulative effect along with the order of treating the entire unauthorized
absence of 237 days as no work no pay.
2. At the outset this Court is of the opinion that petition suffers from delay and
laches as the present writ petition has been filed after more than 5 years
from the date of order of penalty has been passed.
3. The petitioner is a member of uniformed/armed force. The petitioner, on
account of unauthorized absence for a period of 237 days was subjected

to disciplinary proceedings. Initially the petitioner was inflicted with an order of removal from service, however, subsequently the same was modified by the impugned order now, whereby the punishment has been modified with stoppage of one annual increment with cumulative effect.

4. The petitioner at that point of time, that was the time when the impugned order was passed on 30.07.2016, neither preferred the departmental appeal nor a mercy appeal was preferred to the higher Authorities in the department. Now after a period of more than 5 years the petitioner prefers a writ petition straightway questioning the order of penalty. No plausible explanation has been rendered by the petitioner for not preferring the departmental appeal within a reasonable period and also for not approaching the Court promptly after the impugned order was passed. I
5. In the absence of any plausible explanation on his front, the writ petition which is filed after more than 5 years from the date the impugned order of punishment has been issued, this Court is of the opinion that petition suffers from delay and latches and same deserves to be and is accordingly rejected only on the ground of delay and latches.

Sd/-
(P. Sam Koshy)
Judge

Rohit