

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5173 of 2021**

Prakash Narayan Mishra S/o Late Shri Ram Lakhan Mishra Aged About 64 Years Retired Assistant Grade - Iii, R/o Near Shakuntala School, Vijay Nagar, Durg Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Water Resources Department, Mantralaya, Mahanadi Bhawan, Atal Nagar Naya Raipur Chhattisgarh.
2. Secretary Panchayat And Rural Development Department 36 C - Iii, Block - Ii, Second Floor, Indravati Bhawan, Naya Raipur.
3. Engineer In Chief Water Resources Department, Raipur Chhattisgarh.
4. Chief Engineer Water Resources Department, Raipur Chhattisgarh.
5. Executive Engineer R E S Division, Durg Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Aman Pandey, Advocate
For State	:	Mr. Suyash Dhar, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****24/09/2021**

1. The present writ petition has been filed with a limited prayer for directing the respondents to consider the petitioner's prayer so far as long payment of salary for the period between 09.02.2009 to 26.11.2011 i.e. for a period of 2 years and 8 months.
2. Perusal of the record would show that the claim of the petitioner had already been rejected on 12.01.2015. The rejection of his claim is neither under challenge in the present writ petition nor has it been challenged on any earlier occasion, the same has thus attained finality.

3. Further what is also reflected is that the petitioner aggrieved of his place of posting had approached this High Court in 2010. The said writ petition was disposed of on 22.02.2019. This Court did not find any merits in granting the relief claimed for and disposed of the writ petition leaving open his right to approach the respondents on the administrative side before the concerned authority. The petitioner thereafter does not seem to have pursued his claim immediately or within a reasonable period of time.
4. At that point of time, the petitioner was in service of the respondents and was aged around of only 54 years. The petitioner continued to discharge his duties under the respondents till he crossed the age of superannuation in the year 2016. This in other words means that till the date of retirement the petitioner never agitated his claim for these reliefs. Post retirement also the present writ petition now is being filed after more than 5 years from the time of retirement.
5. All these facts forces this Court to reach to the conclusion that the writ petition suffers from inordinate delay laches which have been totally unexplained or without any justifiable reasons. The writ petition thus deserves to be and is accordingly rejected only on the ground of delay laches.
6. The reluctance of this Court in entertaining the writ petition would not preclude the petitioner from pursuing his claim on the administrative side before the respondent authorities.

Sd/-
(P. Sam Koshy)
Judge