

26.09.2022
Item No.30.
Court No.6.
AB

F.M.A. 1395 of 2019

**Harendra Nath Ghosh & Anr.
Vs
Union of India & Others**

Mr. Upendra Roy for the Appellants.

Mr. Soumya Majumdar,
Mr. Uttam Kr. Mondal,
Ms. Maitree Roy for the NTPC Ltd.

A Court of Equity, which the Writ Court is, will not grant relief to the indolent. A person with an alleged grievance, who sleeps over his alleged legal right, does not deserve the sympathy of a Court of Equity.

The appellants approached the learned Single Judge with the grievance that despite a member of their family being entitled to an appointment in NTPC Limited since their family land had been acquired in the year 1985 in connection with the Farakka Super Thermal Power Station Project, such appointment has not been given.

The undisputed facts are that the land of the appellants' family was acquired in or about the year 1985. Under a Scheme formulated by the National Thermal Power Corporation Limited, a member of a land-loser family was entitled to employment subject

to applicable criteria. The appellant no.1 had applied for a job. With the grievance that his application did not receive consideration of the Authorities, he filed the writ petition, which was disposed of with a direction to the concerned Authorities to consider the application in accordance with law.

Pursuant to such order, the 1st appellant was given a hearing by the concerned Officer of NTPC Limited on May 23, 1997. In course of such hearing, the 1st appellant was apparently advised that his age made him ineligible for appointment. It appears that thereupon, the 1st appellant requested the Authorities to consider his sister for appointment. All these happened in 1997.

It appears that for the next 16 years, there was complete silence and inaction on the part of the appellants. By a letter dated June 10, 2013, the 1st appellant requested the respondent company to give a job to the 2nd appellant, who is the son of the 1st appellant. By an order dated July 3, 2013, the said representation was rejected. The appellants approached the learned Single Judge challenging such rejection order.

The learned Judge noticed that between 1997 and 2013, the appellants took no steps at all. It cannot be said that the guarantee of a job to the family of a land-loser has to be kept alive for generations to come. The 1st appellant also did not pursue the claim for

giving appointment to his sister. The learned Judge distinguished the decision of the Hon'ble Supreme Court reported at **AIR 1989 SC 1976**, which was relied upon by learned Advocate for the appellants /writ petitioners. The learned Judge dismissed the writ petition. Hence, this appeal.

We have heard Mr. Roy, learned Advocate for the appellants. We have not called upon the respondents to make any argument.

Mr. Roy submitted that the representation dated June 10, 2013 was rejected on the ground that at that time there was no vacancy and, therefore, the representation could not be considered. He says that the respondents should look into the matter now and if there is vacancy, consider giving a job to the 2nd appellant.

We may have full sympathy for the appellants. However, we cannot act contrary to the established principles of law. The appellants have sat over their alleged right for a very long period of time. The learned Judge dismissed the writ petition primarily on the ground of laches and complete lack of diligence on the part of the writ petitioners. We are in agreement with the learned Single Judge and see no reason to interfere with the Judgment and Order that is sought to be assailed in this appeal.

F.M.A. 1395 of 2019 is, accordingly, dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied expeditiously after compliance with all the necessary formalities.

(Apurba Sinha Ray, J.)

(Arijit Banerjee, J.)