

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14560 of 2015

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1. Suresh Sah S/o Late Budhu Sah, resident of Village- Kaikhma, Badalpura, P.S.- Muffasil Begusarai, District- Begusarai.
 2. Muzaffar Ansari S/o Late Abdul Aziz, Resident of Mohalla- Kasab Lan Bazar, P.O.- K. Hat, P.S.- K.Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Building Construction Department, Government of Bihar, Patna.
2. The Commissioner-cum-Secretary, Building Construction and Housing Department, Govt. of Bihar, Vishesraiya Bhawan, Bailey Road, Patna.
3. The District Magistrate, Khagaria.
4. The Engineer in Chief cum Aditonal Commissioner, Building Construction and Housing Department, Government of Bihar, Vishesraiya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, Purnea Region, Building Construction and Housing Department, Govt. of Bihar, Khagaria Division, Khagaria.
6. The Executive Engineer, Building Construction and Housing Department, Govt. of Bihar, Khagaria Division, Khagaria.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 01-09-2023

1. The present writ petition has been filed for directing the respondents to regularize the services of the petitioners since they are working on daily wages from the year 1984.
2. The brief facts of the case, according to the petitioners,



are that the petitioners no. 1 and 2 have been working on daily wages w.e.f. 01.02.1984 and 01.04.1984, respectively at the Building Construction and Housing Department, Khagaria. It is submitted that earlier also, the petitioners and some other employees had filed a writ petition bearing C.W.J.C. No. 3349 of 2000, which was disposed of by a co-ordinate Bench of this Court vide order dated 09.05.2006 with an observation that the respondent- State shall consider the case of the petitioners for regularization as a one-time measure, if their cases meet the requirements laid down in the judgment rendered by the Hon'ble Apex Court in the case of ***Secretary, State of Karnataka and others vs. Uma Devi and others***, reported in ***(2006) 4 SCC 1***, nonetheless, the respondent-Authorities are sitting tight over the matter.

3. *Per contra*, the learned counsel appearing for the respondent- State has submitted that the present writ petition was filed in the year 2015 and the petitioner no. 1 has disclosed his age to be 60 years, meaning thereby that as on today, he is aged about 68 years and in fact the petitioner no. 2 is also more or less of the same age, thus they have already crossed the prescribed age of retirement, hence, no relief can be granted to them at the moment.



4. I have heard the learned counsel for the parties and have gone through the materials on record, from which, it is apparent that the petitioners are seeking regularization on the ground that they had joined services under the respondents as daily wage workers in the year 1984. Nonetheless, the admitted factual scenario is that the petitioners have already attained the age of superannuation, a fact which has also not been disputed by the learned counsel for the petitioners, thus, for all purposes, the present writ petition has been rendered infructuous. Moreover, this Court finds that the present writ petition is also marred by the doctrine of delay and laches, inasmuch as though the petitioners and others had approached this Court in the year, 2000 by filing a writ petition, which had stood disposed of in the year 2006, however, they had been thereafter, sitting idle all throughout and have belatedly approached this Court only in the year, 2015 i.e. after a lapse of about 09 years, at their own leisure/ pleasure, without affording any explanation for the delay, thus this Court has no legal obligation to scrutinize whether the *lis* at such a belated stage should be entertained or not, in view of the well settled principle of law “delay comes in the way of equity”, inasmuch as not only delay reflects inactivity and inaction on the part of the litigant but also law



does not permit one to sleep and rise like a phoenix. Reference in this connection be had to the judgments rendered by the Hon'ble Apex Court in the following cases:-

“(1) *Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu*, (2014) 4 SCC 108.

(ii) *Karnataka Power Corpn. Ltd. v. K. Thangappan*, (2006) 4 SCC 322.

(iii) *Moon Mills Ltd. v. M.R. Meher*, AIR 1967 SC 1450.

5. This Court would also refer to a judgment rendered by the Hon'ble Apex Court in the case of *P.S. Sadasivaswamy v. The State of Tamil Nadu*, reported in (1975) 1 SCC 152, wherein the Hon'ble Apex Court has held that it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their extra-ordinary powers under Article 226 in the case of persons who do not approach it expeditiously for relief and who stand by and allow things to happen and then approach the Court to put forward stale claims and try to unsettle the settled matters. In fact, in the said judgment, the Hon'ble Apex Court held that in service matters, an aggrieved person should approach the Court at least within 06 months or at the most, a year of the cause of action having arisen.



6. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the present writ petition stands dismissed not only on merits but also on the ground of delay and laches.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	13.09.2023
Transmission Date	NA

