

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6268 OF 2021

Virendra Singh & Anr. .. Petitioners
Vs.
Union of India through Secretary
Ministry of Home & Ors. .. Respondents

...
Mr. Prakash V. Dhopatkhar for the Petitioners.
Ms. Anjali Helekar for the Respondents.
...

**CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ**

DATE : 30TH NOVEMBER, 2023.

P.C. :

1. Heard.
2. By this Writ Petition, the Petitioners seek benefit of grant of efficiency bar-EB increments pursuant to the service rendered by them at the Central Industrial Security Force. According to the Petitioner No.1, he was appointed as Constable in August 1985. It is his case that in 1989, he was considered fit for cross the EB but he was declared as unfit for doing so in 1990. His increment in that regard was denied. In the year 1991, he was found fit to cross the EB. According to the Respondents, during the period from 1986 to 31/05/1990, there was a over payment of Rs.1,193/- made to the Petitioner No.1 and this amount was sought to be recovered on 19/09/2003.
3. Being aggrieved by the aforesaid, the Petitioner

approached the Allahabad High Court for challenging such action. On 28/03/2008, the Allahabad High Court held that it had no territorial jurisdiction to entertain the Writ Petition. The Writ Petition was thus dismissed on said ground and the Petitioner was at liberty to approach the appropriate Court. Thereafter, on 26/10/2019, the Petitioner moved an application seeking increment from the year 1991 on the premise that he had crossed the EB in 1990. By stating that this representation has not been decided, the Petitioner has filed the present Writ Petition in October 2021.

4. Insofar as Petitioner No.2 is concerned, he was appointed on the post of Constable in the year 1984. He was not considered fit to get EB increment in the year 1990. According to the said Petitioner, his other batchmates were getting such increment but he was denied said benefit. On 24/01/2006, the Petitioner No.2 sent legal notice and by the communication dated 09/04/2008, the said benefit of EB increment was denied to him. The Petitioner thereafter made various representations and the last one in that regard was dated 17/07/2010. Since the relief sought by the said Petitioner was not granted, this Writ Petition has been filed.

5. Having heard the learned counsel for the parties and having perused the documents on record, we find that the claim

of both the Petitioners does not deserve to be entertained on merits, since the claims suffer from unexplained delay and laches. Insofar as the Petitioner No.1 is concerned, he had approached the Allahabad High Court seeking grant of EB increments. Though the said Writ Petition was not entertained by the order dated 28/08/2008 for want of territorial jurisdiction, the Petitioner No.1 did not take any immediate step thereafter. His representation has been made after more than ten years on 21/12/2019. There is no explanation furnished by the Petitioner No.1 for not taking diligent steps for prosecuting his claim. Even in the Writ Petition, there are no averments made in that regard. It is pertinent to note that the claim of Petitioner No.1 was specifically denied by the Respondents on 13/07/2010 (Page No.62 of the Writ Petition). Despite aforesaid, the said Petitioner did not seek immediate legal redress. On this ground, we find that his claim is stale and the same does not deserve to be entertained after long lapse of time.

6. Similar is the position insofar as Petitioner No.2 is concerned. He was also informed on 13/07/2010 that he was not entitled to EB increments (Page No.63 of the Writ Petition). Despite that, the said Petitioner has waited for more than ten years before approaching this Court. We find that his claim also is stale and it too suffers from unexplained delay and laches.

7. For the aforesaid reasons, we are not inclined to entertain the Writ Petition on merits. It is thus dismissed with no order as to costs.

[FIRDOSH P. POONIWALLA, J] [A.S. CHANDURKAR, J.]