IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK AGARWAL

ON THE 2nd OF FEBRUARY, 2024

WRIT PETITION No. 26220 of 2023

BETWEEN:-

1. **ASHOK KUMAR SINGH S/O SHRI JATAN SINGH, AGED ABOUT 54 YEARS, OCCUPATION: ASSISTANT GRADE III OFFICE OF ASSISTANT COMMISSIONER TRIBAL WORK DEPARTMEN UMARIIYA DISTRICT UMARIYA (MADHYA PRADESH)**

2. **RAJENDRA SINGH S/O DWARKA PRATAP SINGH, AGED ABOUT 55 YEARS, OCCUPATION: ASSISTANT GRADE III OFFICE OF ASSISTANT PROJECT ADMINISTRATOR UNIFED TRIBAL DEVELOPMENT PROJECT BANDHAVGARH DISTRICT UMARIA (MADHYA PRADESH)**

.....PETITIONERS

(BY SHRI MUNENDRA SINGH - ADVOCATE)

AND

1. **THE STATE OF MADHYA PRADESH THROUGH THE SECRETARY TRIBAL WORKS DEPARTMENT SATPURA BHAWAN R/O VALLABH BHAWNA BHOPAL (MADHYA PRADESH)**

2. **THE COLLECTOR UMARIA DISTRICT UMARIA (MADHYA PRADESH)**

3. **ASSISTANT COMMISSIONER TRIBAL WORKS DEPARTMENT SHAHDOL DISTRICT SHAHDOL (MADHYA PRADESH)**

4. **ASSISTANT COMMISSIONER TRIBAL WORKS DEPARTMENT UMARIA DISTRICT UMARIA (MADHYA PRADESH)**

5. **BRIJENDRA SINGH S/O CHHATPAPATI SINGH, AGED ABOUT 54 YEARS, OCCUPATION: ASSISTANT GRADE III OFFICE OF ASSISTAN**

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**COMMISSIONER TRIBAL WORKS DEPARTMENT
TRIBALWORK DEPARTMENT UMARIA DISTRICT
UMARIA (MADHYA PRADESH)**

.....RESPONDENTS

(SHRI SHIV KUMAR SHRIVASTAVA - GOVERNMENT ADVOCATE FOR RESPONDENTS NO. 1 TO 4)

This petition coming on for admission this day, the court passed the following:

ORDER

This petition is filed by petitioners, seeking the following reliefs, namely, issuance of a writ in the nature of *mandamus* directing the respondents to grant the benefit of regular pay scale after 89 days of service on Collector rate to the petitioners with all consequential benefits along with arrears of salary with interest @ 18% per annum.

The aforesaid relief is based on the ground that respondent No.5 was regularised after 89 or 90 days of his joining as a daily wager, whereas, petitioners were regularised much after and, therefore, indirectly petitioners are claiming benefit of regularisation from a retrospective date without showing their entitlement and that too after a lapse of about 33 years.

Petition is highly belated. It is devoid of merit. Such belated and still claims cannot be allowed to be agitated at the sweet will of the petitioners. No cause is shown for the delay in para 4 of the petition.

Accordingly, petition being belated, suffers from delay and laches and is, hereby, dismissed.

**(VIVEK AGARWAL)
JUDGE**

A.Praj.

Signature Not Verified
Signed by: ASHWANI PRAJAPATI
Signing time: 02-02-2024 19:30:38