

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 14048 of 2025

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1. Hare Ram Rai, Son of Asheshwar Rai, Resident of Village / Mohallah - Jay Nagar, Ward No.1, Amarpur, P.O. - Amarpur, P.S. Barauni, District Begusarai, Pin Code 851118 (Bihar).
 2. Karam Chandra Ray, Son of Ram Nath Ray, Resident of Village / Mohallah Amarpur, P.O. Amarpur, P.S. Barauni, District- Begusarai, Pin Code-851118 (Bihar)
 3. Ram Shresht Roy, Son of Ramadhar Ray, Resident of Village /Mohallah Jay Nagar, P.O. Amarpur, P.S. Barauni, District - Begusarai, Pin Code - 851118 (Bihar).
 4. Lalo Rai, Son of Ramgulam Ray, Resident of Village/Mohallah - Jay Nagar, P.O. - Amarpur, P.S.-Barauni, District-Begusarai, Pin Code-851118 (Bihar).
 5. Jagjivan Ray, Son of Deo Nandan Ray, Resident of Village /Mohallah Jay Nagar, P.O. Amarpur, P.S.Barauni, District- Begusarai, Pin Code- 851118, Bihar
 6. Sri Kant Rai, Son of Ram Bahadur Ray, Resident of Village /Mohallah Jay Nagar, P.O. Amarpur, P.S. Barauni, District- Begusarai, Pin Code - 851118 (Bihar).
 7. Umesh Ray, Son of Chinilal Ray, Resident of Village/Mohallah - Jay Nagar, P.O.-Amarpur, P.S. - Barauni, District -Begusarai, Pin Code-851118 (Bihar).
 8. Shivji Rai, Son of Nago Ray, Resident of Village / Mohallah - Jay Nagar, P.O. Amarpur, P.S. Barauni, District -Begusarai, Pin Code - 851118 (Bihar).
 9. Ram Prit Roy, Son of Patho Ray, Resident of Village /Mohallah - Jay Nagar, P.O. Amarpur, P.S. Barauni, District- Begusarai, Pin Code - 851118 (Bihar).
 10. Shiv Chandra Roy, Son of Anup Ray, Resident of Village /Mohallah Jay Nagar, P.O. Amarpur, P.S. Barauni, Dist.- Begusarai, Pin Code - 851118 (Bihar).

... .. Petitioner/s

Versus

1. The Union Of India through the Chairman, Ministry Of Rail, Government Of India, Rail Bhawan, New Delhi, Pin Code-110001.
2. The General Manager, East Central Railway, Hajipur, P.O. Digghi Kalan, P.S. Hajipur, District - Vaishali at Hajipur, Pin Code - 844101 (Bihar).
3. The General Manager (Personnel), East Central Railway, Hajipur, P.O.



Digghi Kalan, P.S. Hajipur, District- Vaishali at Hajipur, Pin Code - 844101 (Bihar).

4. The Divisional Railway Manager, East Central Railway, Sonapur, P.O and P.S. - Sonapur, District -Saran, Pin Code - 841101 (Bihar).
5. The Divisional Railway Manager (Commercial), East Central Railway, Sonapur, P.O. and P.S. Sonapur, District - Saran, Pin Code - 841101 (Bihar).
6. The Senior Divisional Railway Officer (Personnel), East Central Railway, Sonapur, P.O. and P.S. – Sonapur.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the UOI : Mrs. Parul Prasad, CGC
Mr. Aditya Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

and

HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH)

Date: 09-12-2025

The present writ petition has been filed against the order dated 10.12.2024, passed by the learned Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the “learned CAT”) in OA/050/00266/2021 whereby and whereunder the case of the petitioners has been dismissed on the ground of delay of about 11 years in approaching the learned CAT.

2. The case of the petitioners, in brief, is that they are licensed porters having valid badge number, working at



different railways stations under the Sonapur Division of East Central Railway. In accordance with the decision of Railway Board issued vide letters dated 01.04.2008 and 10.04.2008, the licensed porters/coolies were required to be screened for absorption/ regularization in Group-D post of Gangman, whereafter the screening test of eligible candidates, who had applied in prescribed format dated 23.04.2008, was conducted on 01.05.2008 and then a list of selected candidates was prepared. However, the petitioners were finally not appointed/absorbed/ regularized in Group-D post with the respondent-railways.

3. The respondents had filed a written statement before the learned CAT wherein the issue of limitation was raised, inasmuch as cause of action arose in the year 2008 and the reason for denying appointment was communicated to them in the year 2010 itself, however the petitioners herein chose to remain silent for a long period of about 11 years. It has been further averred by the respondents in the written statement that the licensed porters, who were upto the age of maximum 50 years and minimum 18 years as on 26.02.2008 were to be appointed on the post of Gangman by way of one time measure, subject to fulfillment of the conditions prescribed under the



scheme, hence GM(P)/Hajipur had issued a letter dated 10.04.2008, specifying therein time framed modalities for absorption of licensed porters by way of one time measure, whereafter a list of 768 licensed porters was prepared and finally call letters were sent to 740 licensed porters, including the writ petitioners to appear in the screening test and after due procedure, 413 porters were appointed as Gangman but the rest were found unsuitable. It has also been stated in the written statement that except the petitioner no. 8, the claim of the rest of the petitioners is baseless and based on false premise, inasmuch as there is mismatch in father's name, date of birth, address etc. and as far as petitioner no. 8 is concerned, he was found to be medically unfit, hence his case could not be considered. The respondents have further stated in their written statement that the petitioners were communicated about rejection of their claims by various letters issued in the month of July, 2010, which have been annexed as Annexure- R/3 series to the written statement filed by the respondent before the learned CAT. Lastly, it has been stated that the claim of the petitioners for absorption/ regularization in terms of RBE No. 40/2008 dated 01.04.2008 cannot be considered at this belated stage since all the exercise related to absorption/ regularization of licensed



porters had to be completed within two months of the date of issue of the letter dated 01.04.2008.

4. The learned counsel for the petitioners has submitted that in similar matters, absorption has been permitted even after delay had taken place, however the case of the petitioners has been illegally dismissed by the learned CAT.

5. *Per contra*, the learned counsel for the respondents has submitted that the petitioners had approached the learned CAT after an inordinate delay of about 11 years in the year 2021 only, hence the learned CAT has rightly dismissed their original application on the ground of limitation as well as on merits, inasmuch as the rejection order sent to the petitioners in the month of July, 2010 does not suffer from any illegality much less any infirmity.

6. We have heard the learned counsel for the parties and gone through the materials on record. Admittedly, the petitioners were communicated about the rejection of their case in the month of July, 2010 itself, however they had approached the learned CAT challenging the same after an inordinate delay of 11 years, hence it is apparent that inordinate delay and laches has taken on the part of the petitioners in approaching the learned CAT.



7. It is a well-settled law that while exercising extraordinary and equitable jurisdiction, the Courts, while protecting the rights of citizens, should simultaneously keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the Court belatedly, at his own leisure or pleasure, the Court is not required to grant any indulgence to such indolent person and on the ground of delay and laches alone, the Court ought to throw the petition overboard at the very threshold. It is equally a well-settled law that a proposition settled several years back cannot be unsettled and the Courts/ Tribunals should be slow in distributing the settled affairs in a service matter after lapse of a long period of time. Reference in this regard be had to a judgment reported in ***1991 supp (2) SCC 183 (Government of Andhra Pradesh and Ors Vs. M.A. Kareem and others)*** and the one reported in ***(2007) 15 SCC 716 (Surya Prakash Jaiswal vs. Osmania University and Another)***. It is also a well-recognized principle of law that a right not exercised for a long time is non-existent, even where no limitation period is prescribed by statute and then the Courts apply the doctrine of delay / laches / acquiesce and non-suit litigants who approach Court belatedly without justifiable explanation. Reference in this regard be also had to a



judgment reported in **2015 (15) SCC1 (Prabhakar vs. Joint Director, Sericulture Department & Anr.)**. The Doctrine of laches is in fact an application of maxim of equity - “delay defeats equities”. Reference in this connection be had to a judgment rendered by the Hon’ble Apex Court in the case of **Prabhakar v. Sericulture Department**, reported in **(2015) 15 SCC 1**. In this regard, we may gainfully refer to some judgments rendered by the Hon’ble Apex Court, citation whereof is being enumerated herein below:-

“(i) Chennai Metropolitan Water Supply & Sewerage Board & Others vs. T.T. Murali Babu, reported in **(2014) 4 SCC 108**.

(ii) State of Uttranchal & Anr. vs. Shiv Charan Singh Bhandari & Ors., reported in **2013 AIR SCW 6627**.

(iii) C. Jacob vs. Director of Geology & Mining & Anr., reported in **AIR 2009 SC 264**.

(iv) State of Jammu & Kashmir vs. R.K. Zalpuri & Others, reported in **AIR 2016 SC 3006**.

(v) State of Tamil Nadu vs. Seshachalam, reported in **(2007) 10 SCC 137.**”

8. In fact, in a judgment, rendered by the Hon’ble Apex Court in the case of **P. S. Sadasivaswamy vs. State of Tamil Nadu**, reported in **(1975) 1 SCC 152**, the Hon’ble Apex Court



has held that in a service matter/promotion matter, an aggrieved person should approach the Court at least within six months or at the most a year of the arising of a cause of action and it would be a sound and wise exercise of discretion for the Courts to refuse to exercise their powers, in the case of persons who do not approach it expeditiously for relief and such petitions should be dismissed *in limine*, inasmuch as entertaining such petitions is a waste of time of the Court, the same clogs the work of the Court and impedes the work of the Court in considering legitimate grievances.

9. At this juncture, it would be gainful to reproduce paragraphs No. 1, 16, 17 and 34 of the Judgment rendered by the Hon'ble Apex Court in the case of ***Chennai Metropolitan Water Supply & Sewerage Board (Supra)***, herein below:-

"1. The present appeal, by special leave, is directed against the judgment and order dated 22-11-2012 passed by the High Court of Judicature of Madras in Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu whereby the Division Bench has affirmed the judgment and order dated 21-7-2011 in WP No. 25673 of 2007 whereunder the learned Single Judge had allowed the writ petition, and after setting aside the punishment of dismissal, directed reinstatement of the respondent with continuity of service but without back wages.

16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to



weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

17. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability,



may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons—who compete with “Kumbhakarna” or for that matter “Rip Van Winkle”. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.

34. Judged on the anvil of the aforesaid premises, the irresistible conclusion is that the interference by the High Court with the punishment is totally unwarranted and unsustainable, and further the High Court was wholly unjustified in entertaining the writ petition after a lapse of four years. The result of aforesaid analysis would entail overturning the judgments and orders passed by the learned Single Judge and the Division Bench of the High Court and, accordingly, we so do.”

10. Considering the facts and circumstances of the case and for the reasons mentioned hereinabove in the preceding paragraphs, we find that the petitioners had approached the learned CAT belatedly after an unexplained delay of 11 years. Thus, considering the principles laid down by the Hon’ble Apex Court in a catena of judgments, as referred to hereinabove in the preceding paragraphs, as also considering the maxim—“equity aids the vigilant and not those who slumber on their rights”, we are of the view that since the petitioners have not filed the original application before the learned CAT within a reasonable period of time, the leaned Tribunal/this Court is not



under any legal obligation to entertain the claim of the petitioners, hence we do not find any infirmity with the impugned order dated 10.12.2024, passed by the learned CAT in OA/050/00266/2021 whereby and whereunder the original application filed by the petitioners has been dismissed on the ground of delay of about 11 years in approaching the learned CAT. Consequently, the present writ petition stands dismissed being devoid of any merit.

(Mohit Kumar Shah, J)

(Soni Shrivastava, J)

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AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	16.12.2025
Transmission Date	

