
(2018) 09 CHH CK 0258
In the Chhattisgarh High Court
Case No : Writ Appeal No. 327 Of 2016

Ramkhilawan Nirmalkar And Ors

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

Date of Decision : 14-09-2018

Acts Referred:

Citation : (2018) 09 CHH CK 0258

Hon'ble Judges : Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench : Division Bench

Advocate : Dhani Ram Patel, Gary Mukhopadhyay

Final Decision : Dismissed

Judgement

Ajay Kumar Tripathi, CJ

1. Heard counsel for the parties.
2. Writ application has been preferred against the order dated 21.04.2016 passed by the learned Single Judge who dismissed the writ application on the ground of extraordinary delay and laches.
3. The Appellants were admittedly appointed as daily wagers sometimes in the year 1999. On the basis of a policy dated 15.12.1992, the Respondent authorities decided to regularise the services of the Appellants and granted them regular pay-scale from 01.08.2005. They have drawn advantage of the said pay-scale for almost eight years and then they moved the High Court that the benefit of regular pay scale should have been granted to them after completion of three years of service and since there is a delay in such grant, a direction ought to be issued upon the Respondents to give them benefit of regular pay scale from a prior date.

4. The learned Single Judge has taken note of the fact that way back on 01.08.2005, the benefit was extended, and only in the year 2014, they raised a grievance that such grant should have been from a previous date or year. But when question as to why they waited till the year 2014 to raise such

grievance, except for a statement that representation was filed, nothing else in terms of satisfactory explanation is being offered.

5. Keeping in mind that settled position ought not be unsettled at the mere asking or convenience of the litigant. It also emerges that the decision to

grant them regular pay scale was taken by a committee after considering the cases of all such eligible persons. Such decisions cannot be taken with

clockwork precision. Even otherwise, the writ application seems to have been filed as an afterthought rather than for assertion of any violation of a

right at the very threshold. The reasons assigned by the learned Single Judge are good enough which does not require interference.

6. The appeal has no merit. It is dismissed.