

**Jagat Narayan Vs. the State of Madhya Pradesh**

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**Court :** Madhya Pradesh

**Decided On :** Apr-17-2013

**Appellant :** Jagat Narayan

**Respondent :** The State of Madhya Pradesh

**Advocate for Pet/Ap. :** Shri. R. P.Mishra

**Judgement :**

WP 5491.13 Writ Petition No.5491 of 2013 (Jagat Narayan and six others versus The State of Madhya Pradesh and two otheRs.17-04-2013 Shri R.

P.Mishra, learned counsel for the petitioneRs.Heard on admission.

While seeking quashment of orders dated 19-05-1993 (Annexure-P/4) and 21-03-1996 (Annexure-P/1) petitioners seek direction for regularization.

Initially engaged on daily wages in the year 1993, services of the petitioners were dispensed with in the year 2000 which led the petitioners to challenge vide Original Application No.165/2000 before the Madhya Pradesh Administrative Tribunal.

The Original Application was disposed of on 06-03-2000 with the direction to the respondent/State to consider their claim in the light of Circular dated 14-02-2000.

Petitioners again preferred a Writ Petition No.7383/2005(s) which was again disposed of on 06-09-2005 to consider their claim, which was considered and

rejected by a speaking order dated 24-11-2005 in the following terms :- dk;kZy; vk;qDr Hkw-vfHkys[k ,oa cUnkscLr e0iz0 Xokfy;j ds Kkiu dz0 D;w@5-cUnks-@lgk-@90@Xok- fnukad 03-10-90 ds }kjk ftys dh Hkw-vfHkys[k 'kk[kk gSr.LdokMesu inkSa dh izklr Lohd`fr ds ifjizs{; esa 9 ;kfpdk drkZvksa 1- J.fnus'k ujkSfy;k iq= ,l- ,l- ujkSfy;k].2- J.deyk izlkn iq= fxj/kkuh yky].3- J.jkts'k ekyoh; iq= f'kopj.k].4- J.fcgkj yky iq= jkeizlkn 'kekZ].5- J.jktsUnz izlkn 'kekZ iq= Lo- J.gjh'kadj 6- J.uUnfd'kksj iq= jkeizlkn].7- Jherh Hkkxorh ckbZ ifRu ,e- ,l- IDlsuk].8- J.dMqok iq= uRFkkth rFkk 9- J.txr ukjk;.k iq= fxj/kkj yky dh fu;qfDr vLFkkbZ :i ls dh xbZ FkhA dk;kZy; vk;qDr Hkw-vfHkys[k ,oa cUnkscLr e0iz0 Xokfy;j ds i= dz0 4023 fnukad 01-09-99 }kjk bu LdokMesu inkSa dh Lohd`fr rFkk ikfjJfed gSr.ctV fnukad 31-01-2000 rd ds fy;s gh izklr FkkA vr% ;kfpdk drkZ LdokMeSukSa ls fn0 01-02-2000 ls dk;Z ysuk can dj fn;k x;kA blh chp e0iz0 'kklu lkekU; iz'kklu foHkkx ds Kkiu WP 5491.13 dz0 ,Q 5-4@69@1 fnukad 04-02-2000 }kjk nSfud oSr.Hkksxh deZpkfj;ksa dks lsok ls i`Fkd djus laca/kh vkns'k ds fo#/n ekuuh; mPp U;k;ky; }kjk fnukad 21-02-2000 dks Nkuchu lfefr xfBr dj izdj.kokj leh{kk gSr.vkns'k fn;s x;sA Md.vk/kkj ij gh ekuuh; iz'kklfud U;k;kf/kdj.k Hkksiky }kjk yafr ;kfpdk esa fn0 06-03-2000 dks izdj.k okj leh{kk djus ,oa rc rd bUgsa lsok esa ysus ds vkns'k fn;x x;sA bl Nkuchu lfefr }kjk leh{kk mijkar bu ;kfpdk drkZ LdokMesukSa dh vkBekgh LdokMeSu dh Js.kh esa ekU; fd;k x;kA e0iz0 'kklu jkTkLo foHkkx ds Kki dz0 ,Q@9-30@2003@lkr-4@fn0 21-01-04 ,oa Nkuchu lfefr }kjk izLrqr izfrosnu ds ifjizs{; esa dk;kZy; vk;qDr Hkw-vfHkys[k ls ekxZn'kZu pkgk x;kA rnuqlkj vkBekgh@ckjgekgh LdokMeSu dks vLFkkbZ :i ls cUnkscLr dk;Z ds nkSjku vko';drk vuqlkj dysDVj }kjk fu/kkZfjr nSfud etnwjh ij j[kk tkrk FkkA e-iz- 'kklu }kjk cUnkscLr lfdz;k,a leklr dj nh xbZ gSa].vr% 'kklu }kjk LdokMeSu ds in gh leklr dj fn;s x;s gSaA ,salh fLFkfr esa fu'dkflr LdokMeSukSa dks ik=rk vuqlkj jkf'k dk Hkqxrku dj lsok ls i`Fkd j[kk x;kA e-iz- 'kklu lkekU; iz'kklu foHkkx ds Kki dz0 ,Q 5-4@03@,d@3 Hkksiky fnukad 15-04-05 ds isjk-4 esa ;g Li"V fd;k x;k gS fd ftu foHkkxksa esa vkdfLed vFkok vYidkfyd dk;Z djus gSr.etnwjksa dh fu;qfDr;kW ,d fuf'pr vof/k ds fy;s dh xbZ Fkha o mUgsa lsok ls i`Fkd dj fn;k x;k FkkA ,sals gVk;s x;s deZpkjh ifji= fn0 21-01-2004 rFkk 19-04-04 }kjk tkjh fd;s x;s funsZ'kksa dh ifjf/k esa ugha ekus tk;saxsA ekuuh; mPp U;k;ky; tcyiqj ds le{k izLrqr ;kfpdk d0 7383/2005 esa ikfjr vkns'k fnukad 06-09-05 ds ifjizs{; esa izdj.k dh mijksDr leh{kk dh xb ZA 'kklukns'k ,oa dk;kZy; vk;qDr Hkw -vfHkys[k ,oa cUnkscLr e0iz0 Xokfy;j ls izklr funsZ'k vuqlkj lsok ls i`Fkd fd;s x;s

Md.LdokMeSuksa dks iqu% 'kkldh; Isok esa okil ugha fy;k tk ldrkA.

It appears that one more petition was filed forming subject matter of Writ Petition No.3749/2006 which was disposed of on 24-1-2010, again directing for reconsideration.

When the direction has not resulted in a favourable order, present writ petition is filed again for a direction for regularization.

In the considered opinion of this Court, the claim of the petitioners having been rejected in the year 2005, by a well reasoned order dated 24-11-2005, the same cannot be reconsidered.

As far as the challenge to the orders dated 19-05-1993 WP 5491.13 and 21-03-1996 it is too late for the petitioners to challenge the same having not challenged in earlier writ petitions.

A Division Bench of this Court in Focus Energy LTD.(M/S.versus Government of India, (DB) I.L.R.(2011) M.P.53; while relying upon the judgments of the Supreme Court has held that laches can be a good ground for denying equitable remedy.

It was observed- 10.

Thus, facts stated supra leads to irresistible conclusion that appellant is guilty of delay and laches.

Its conduct disentitles it to any relief.

In New Delhi Municipal Council v.

Pan Singh and OtheRs.AIR 200.SC 136.the Supreme Court has held that delay and laches are relevant factors for exercise of equitable jurisdiction.

In Municipal Council, Ahmednagar v.

Shah Hyder Beig, (2000) 2 SCC 4.the Supreme Court has observed that discretionary relief can be provided to one who has not by his act or conduct given a go- bye to his rights.

Equity favours a vigilant rather than an indolent litigant.

In the State of Haryana v.

Aravali Khanij Udyog, (2008) 1 SCC 66. it has been held that where third party rights are created, the High Court should not interfere.

Similarly, in Shiba Shankar Mohapatra (supra) it has been held that the Court exercising public law jurisdiction does not encourage agitation of stale claims where the right of third parties crystallizes in the interregnum.

In view whereof the petition being devoid of substance deserves to be and is dismissed.

(SANJAY YADAV) sc JUDGE

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