

Sandhya Bhatt Vs. State of Uttarakhand and ors.

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Court : Uttaranchal

Decided On : Feb-23-2010

Judge : J.S. Khehar, C.J. and; Sudhanshu Dhulia, J.

Appellant : Sandhya Bhatt

Respondent : State of Uttarakhand and ors.

Judgement :

1. The appellant was proceeded against departmentally, whereupon by order dated 7.9.1999 her services were terminated. The appellant assailed the aforesaid order on the administrative side, whereupon by an order dated 8.11.2000, the termination order was revoked, and in its place, the punishment of stoppage of two annual increments with cumulative effect was imposed on the appellant.

2. The order dated 8.11.2000 was impugned by the appellant by approaching this Court through Writ Petition (SS) No. 469 of 2008. The aforesaid writ petition was dismissed by a learned Single Judge of this Court, for reasons of delay and latches, by an order dated 19.6.2008.

3. The order dated 19.6.2008 disposing of the Writ Petition (SS) No. 469 of 2008 is subject matter of challenge at the hands of the appellant.

4. The solitary contention advanced by the learned Counsel for the appellant is, that in the writ petition the appellant had satisfactorily explained the delay in approaching this Court. Needless to mention that the impugned order was passed

on 8.11.2000, whereas the writ petition under reference was filed on 18.6.2008. Delay in approaching this Court, according to the learned Counsel for the appellant, should have been viewed in the background of the factual position depicted in paragraphs 9 to 11 of the writ petition. Paragraphs 9 to 11 of the writ petition are being extracted hereunder:

9. That the petitioner joined on 8-12-2000 in pursuance of the order dated 8-11-2000, however, as the services of the petitioner were in a project, as such, the services of the petitioner were transferred to the State of Uttarakhand. True copy of the letter dated 6-2-2001 by which the petitioner was asked to join in the State of Uttarakhand, is being filed herewith and is marked as ANNEXURE No. 6 to this writ petition.

10. That the petitioner represented to the authorities in the State of U.P. as well as in the State of Uttarakhand for the cancellation of the impugned punishment given to the petitioner vide order dated 8-11-2000, however, no heed was paid by the respondents. True copy of the representations submitted by the petitioner on various dates to the respondents are being filed herewith collectively and are marked as ANNEXURE No. 7 to this writ petition.

11. That lastly the petitioner submitted a detailed representation to the respondent No. 1 through proper channel on 17-12-2007. True copy of the representation date 17-12-2007 is being filed herewith and is marked as ANNEXURE No. 8 to this writ petition.

Having perused the averments made in paragraphs 9 to 11, we are satisfied that the learned Single Judge was fully justified in dismissing the writ petition on account of delay and laches, inasmuch as, the delay sought to be explained through the averments made in paragraphs extracted hereinabove, is only on the basis of repeated representations made by the appellant. It is by now well- settled, that repeated representations cannot be taken into consideration while examining the issue of delay and laches, nor do they constitute a valid basis for explaining away delay in approaching a Court. Since the petitioner did not rely on any other material besides repeated representations made by him to explain the delay in approaching this Court, we are satisfied that the learned Single Judge was fully

justified in not accepting the explanation tendered by the petitioner.

5. For the reasons recorded hereinabove, we find no infirmity in the order passed by the learned Single Judge dated 19.6.2008 disposing of the Writ Petition (SS) No. 469 of 2008.

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