

Court No. - 33

Case :- WRIT - A No. - 18950 of 2021

Petitioner :- Prasiddh Narayan Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sanjay Kumar Pandey

Counsel for Respondent :- C.S.C.,A.S.G.I.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Sanjay Kumar Pandey, learned counsel for the petitioner, Mr. Pranab Ojha, learned Standing Counsel for the State-respondent and Shushil Kumar Mirshra, learned counsel for the respondent nos.2&3, who will file his vakalatnama in the Registry today itself.

This writ petition has been filed interalia for the following relief:-

"A. Issue a writ, order or direction in the nature of mandamus directing and commanding the respondent no.3 to decide the representation dated 07.02.2010 within the stipulated period."

Learned counsel for the petitioner submits that the petitioner was appointed on the post of Driver on 22.01.2009. A show cause notice dated 06.02.2010 was given by the respondent no.3 to him with respect to the fact that as to why his services be not terminated on the ground that he has concealed the fact regarding pendency of the criminal case against him. He further submits that the petitioner has submitted his reply to the show cause notice on 07.02.2010 but nothing has been done.

Learned Standing Counsel as well as learned counsel for the respondent nos.2&3 submits that the present writ petition is hopelessly barred by limitation, as pursuant to the show cause notice issued on 06.02.2010, the petitioner has slept over his rights for more than twelve years. He further submits that not even a single word has been mentioned in the present writ petition with regard to delay in filing same.

Learned counsel for the petitioner also could not dispute the aforesaid submissions made by the learned Standing Counsel

It is settled law that the person, who is not vigilant and dormant about his right, cannot be allowed to agitate his right as has been held by the Apex Court in the case of ***Central Coalfields Limited through its Chairman and Managing Director & Ors. Vs. Smt. Parden Oraon*** reported in **2021 SCC OnLine SC 299**.

The time-barred cases should not be entertained by Courts as the rights, which have accrued to others by reason of delay in approaching the Court, cannot be allowed to be disturbed unless there is a reasonable explanation for the delay. The vested rights of the parties should not be disrupted at the instance of a person, who is a guilty of culpable negligence. The Privy Council in ***General Fire and Life Assurance Corporation Ltd. Vs. Janmahomed Abdul Rahim, AIR 1941 PC 6***, relied upon the writings of Mr. Mitra in Tagore Law Lectures 1932, wherein it has been said that "*a law of limitation and prescription may appear to operate harshly and unjustly in a particular case, but if the law provides for a limitation, it is to be enforced even at the risk of hardship to a particular party as the Judge cannot, on applicable grounds, enlarge the time allowed by the law, postpone its operation, or introduce exceptions not recognised by law.*"

In ***N. Balakrishnan Vs. M. Krishnamurthy, reported in (1998) 7 SCC 133***, the Apex Court explained the scope of limitation and condonation of delay, observing as under:-

"The primary function of a Court is to adjudicate the dispute between the parties and to advance substantial justice. The time-limit fixed for approaching the Court in different situations is not because on the expiry of such time a bad cause would transform into a good cause. Rules of limitation are not meant to destroy the rights of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy for the redress of the legal injury so suffered. The law of limitation is thus founded on public policy."

In the case of ***Northern Indian Glass Industries Vs. Jaswant Singh & ors., reported in AIR 2003 SC 234***, the Apex Court has held that the High Court cannot ignore the delay and laches in approaching the writ court and there must be satisfactory explanation by the petitioner as how he could not come to the Court well in time.

Further in the the case of ***Printers (Mysore) Ltd. Vs. M.A. Rasheed & Anr. reported in (2004) 4 SCC 460***, the Apex Court has held that the High Court should dismiss the writ petition on

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the ground of unexplained inordinate delay.

In view of the aforesaid, this Court finds no good ground to entertain the present writ petition. It is, accordingly, dismissed on the ground of inordinate delay.

Order Date :- 4.3.2022
Jitendra/-