

(2024) 11 SHI CK 0049

High Court Of Himachal Pradesh

Case No: CWP No. 9203 Of 2023

Sanjeev Kumar And Another

APPELLANT

Vs

State Of Himachal Pradesh And
Others

RESPONDENT

Date of Decision: Nov. 5, 2024

Hon'ble Judges: Ajay Mohan Goel, J

Bench: Single Bench

Advocate: P.D. Nanda, Rajpal Thakur

Final Decision: Disposed Of

Judgement

Ajay Mohan Goel, J

1. Though reply to the petition has not been filed, however, having heard learned counsel for the petitioners as well as having perused the reliefs

prayed for, by the petitioners in the writ petition, this Court is of the considered view that no relief can be granted to the petitioner as the claim of the

petitioner is stale and hit by delays and latches.

2. The petitioners have approached this court praying for the following reliefs:-

â€œi) Respondents may be directed to release the arrears of differential amount of daily wage rates and part time rates for the period from 9-03-2010 to 07-

08-2012 in respect of Sanjeev Kumar and from 15-03-2010 to 07-08-2012 in respect of Kanwar Singh with interest @12% per annum from 8.8.2012 till actual

payment.

ii) That since the petitioners have been forced to knock the doors of the Court intentionally and deliberately, the respondents may be burdened with heavy

cost.â€

3. The contention of the petitioners is that on 24. 12.2015, daily wage status was conferred upon them from 9. 03.2010 and

15.03.2010, respectively. They filed CWP No. 6943 of 2021 for regularization from due date and also for payment of arrears of wages in view of

order dated 24.12.2015. This writ petition was disposed of by the Hon'ble High Court on 24. 04.2023 by issuing a direction to the respondents to

consider the case of the petitioners and the claim of the petitioners has been rejected by the Authority on 23.05.2023,

4. As already observed hereinabove, the relief that has been prayed by the petitioners by way of this writ petition is for issuance of a direction to the

respondents to release the arrears of differential amount of daily wage rates and part-time rates for the period from 09.03.2010 to 07.08.2012 with

regard to petitioner No.1 and from 15.03.2010 to 07.08.2012 in respect of petitioner No. 2. Even if it is to be construed that cause of action accrued in

favour of the petitioners on 24.12.2015, the petitioners ought to have had approached the appropriate fora for the redressal of their grievances, in the

event of State Administrative Tribunal, within the period of limitation and in the event of filing a writ petition in this Court, within some reasonable time.

The first writ petition, which was filed by the petitioners in this regard, was filed in the year 2021 and after the rejection of their representation, this

writ petition has been filed in the month of November, 2023.

5. In terms of the law laid down by the Hon'ble Supreme Court of India in Shiv Dass Vs. Union of India and others, 2007 (9) SCC 274 and Union

of India and others Vs. Tarsen Singh, 2008 (8) SCC 648, the High Court ordinarily is not to permit a belated resort to the extraordinary remedy and if

petitions are filed beyond reasonable period, say 3 years, normally the Court would reject the same or restrict the relief which would be granted to a

reasonable period of about 3 years. Hon'ble Supreme Court of India has further gone on to hold that in such like cases, the High Courts will

restrict the consequential relief relating to arrears normally to a period of 3 years prior to the date of filing of the writ petition.

6. In the present case, the petitioners are claiming arrears relating to the year 2010 up to the year 2012. In terms of the judgment of the Hon'ble

Supreme Court of India, the relief relating to arrears has to be restricted for a period of 3 years prior to the date of filing of the writ petition. Taking into consideration the fact that this is the second round of litigation, even if we go back 3 years as from the year when the first writ petition was filed, the same takes us to the year 2018 and admittedly the petitioners are not claiming anything due to them in the year 2018 onwards. Their claim relates to the years 2010 up to the year 2012 and because these 2 years do not fall within a period of 3 years prior to the date of filing of the first writ petition also, therefore, no relief can be granted to the petitioners as they have approached the Court belatedly, even as far as the filing of first writ petition is concerned.

7. In view of the above observations, this writ petition is dismissed on the ground of delays and laches. Pending miscellaneous application(s), if any, also stand disposed of accordingly.