

B. Central Civil Services (Classification, Control and Appeal) Rules, 1965 – Rule 16

– Disciplinary Proceedings – Recovery of Loss: Recovery of Rs. 20,000 from employee at retirement for irregularities by another official (SPM) is unsustainable without direct culpability. Tribunal's finding of lack of fair hearing opportunity upheld, rendering proceedings vitiated. *Tridip Kumar Dingal Vs St.of W.B., (2009) 1 SCC 768; Karnataka Power Corpn. Ltd. Vs K. Thangappan, (2006) 4 SCC 322 (Paras 12, 13).*

C. Doctrine of Laches – Application in Service Matters

- Laches applies in pension and service disputes; delay defeats equity and causes prejudice. Writ courts exercise discretion judiciously, refusing relief where negligence or inaction is evident, even for continuing causes of action. *Chennai Metropolitan Water Supply & Sewerage Board Vs T.T. Murali Babu, (2014) 4 SCC 108 (Paras 13).*

Writ Petition Dismissed.

List of Cases cited:

1. Shiv Dass Vs U.O.I., (2007) 9 SCC 274 (Para 8).
2. UP Jal Nigam Vs Jaswant Singh, (2006) 11 SCC 464 (Para 9).
3. Tridip Kumar Dingal Vs St.of W.B., (2009) 1 SCC 768 (Para 12).
4. Karnataka Power Corpn. Ltd. Vs K. Thangappan, (2006) 4 SCC 322 (Para 12).
5. Chennai Metropolitan Water Supply & Sewerage Board Vs T.T. Murali Babu, (2014) 4 SCC 108 (Para 13).

(Delivered by Hon'ble Saurabh Lavania, J.
&
Hon'ble Syed Qamar Hasan Rizvi, J.)

1. Heard Sri Varun Pandey, learned Counsel for the petitioner and perused the records.

2. In view of order proposed to be passed, issuance of notice to the private-responder(s) is hereby dispensed with.

3. The present petition has been filed for the following main reliefs:-

"Issue a writ, order or direction in the nature of certiorari quashing impugned judgment and order dated 22.05.2024 (reserved on 07.05.2024) passed in Original Application No. 332/00378/2013 Govind Narain Mishra Vs Union of India & Others, contained as (Annexure no. 1) to the writ petition."

4. Under challenge is the order passed by the Central Administrative Tribunal at Lucknow (in short 'Tribunal') in Original Application No. 332/00378/2013 (Govind Narayan Mishra Versus Union of India and others).

5. Before further proceedings, it would be apt to indicate that in the year 2013, the applicant-Govind Narayan Mishra, who has been impleaded as private opposite party in the present petition, was aged about 63 years and accordingly at present he would be around 74 years old.

6. Brief facts of the case are as under:

(i) The Govind Narayan Mishra/private opposite party, was going to superannuated in the month of July 2010 from the post of Assistant Post Master, Chowk, Lucknow.

(ii) Just prior to date of retirement a charge-sheet dated 16.07.2010 was served upon Govind Narayan Mishra/private opposite party.

(iii) For the purposes of submission of reply to the charge-sheet dated 16.07.2010, Govind Narayan Mishra/private opposite party, preferred an application dated 21.07.2010, requesting therein to grant permission to inspect the records.

(iv) The permission to inspect the record was granted on 26.07.2010.

(v) Thereafter, the Govind Narayan Mishra/private opposite party, inspected the record on 27.07.2010.

(vi) On 28.07.2010 Govind Narayan Mishra/private opposite party, replied to the charge-sheet issued on 16.07.2010.

(vii) On 29.07.2010, the impugned order dated 29.07.2010 was passed by Senior Superintendent of Post Office, Lucknow Division, Lucknow, the relevant portion of the same reads as under:-

"I have gone through the chargesheet, defence representation and other relevant records and found that the official had performed the work of APM SBSOS for a short period as a stop gap arrangement as mentioned in memo of charges. However, He is responsible for the irregularities committed during the aforesaid period."

(viii) Challenging the order dated 29.07.2010, a departmental appeal was filed by the Govind Narayan Mishra/private opposite party, which was also dismissed by the appellate authority namely Director, Postal Service, HQ, Lucknow vide order dated 31.01.2013. Relevant portion of the same are extracted hereinunder:-

"3. The appellant has raised following arguments in his appeal dated 09.09.2010 for consideration:-

(i) That the Disciplinary Authority admitted the late posting of vouchers of sub-offices including Blunt Square in Para 6(1) of punishment order but any how held that the appellant could not get them immediately and regularly posted in the concerning ledgers which resulted non-detection of irregularities committed by SPM Blunt Square. The appellant also failed to bring this facts to the notice of higher authorities. The reasons given by disciplinary authorities are not correct, but misleading and also not based on documentary evidence otherwise the receipt book under which vouchers relating to 01.01.2006 to 30.10.2006 were submitted to SBCO would have been provided to the appellant for the inspection before submission of defence representation dated 28.07.2010. Hence the punishment order is not based on factual position but it is biased attitude of the disciplinary authorities to any how impose monetary loss to the appellant at the time of retirement.

(ii) That the back posting was in the knowledge of inspecting authorities who noted it in respective OBRS regularly. Non-posting of vouchers received during the period of the appellant is not relevant to the differences of balances but it is lack of inspecting authorities, who inspected Blunt Square P.O. during period mentioned in the statement of imputation, who could not notice the irregularities persisting at Blunt Square Post office.

(iii) That the appellant had got submitted the vouchers to the SBCO during the period mentioned in the statement of

imputation of misconduct for the dates which were took place for posting during that period. The receipt book could not be made available to the appellant by the Disciplinary Authority as such his observation in Para 6(ii) of the punishment order are baseless and have no legs to stand.

(iv) That the Disciplinary Authority in Para 6 (iii) and (iv) misinterpreted the provisions of Rule 74 of SB Manual Volume I in order to suit his motives to impose penalty appealed against.

(v) That the arguments submitted by the appellant in defence representation dated 28.07.2010 in Para D on page 3 and additional facts at page 3 & 4 were not considered and discussed in the punishment order as such the punishment order is not self contained, so plot making and reasoned order as required under Govt. of India Instruction No. below Rule 15 of CCS (CCA) Rule 1965 and also G.I.M.H.A., Dep. and A.R.O.M. No. 134/1/81 AVD-I dated 13.07.1981 and Dept. Of P&T O.M. No. 134/12/85-AVD-I dated 05.11.1985.

(vi) That the recovery of 50,000/- from leave encashment is against the provision of Rule 39 (iii) of CCS (Pension) rules as amended upto August 2005 (Part III of FRSR) under which the disciplinary authority is imposed to hold while are part of cash equivalent of Earned leave in the case of Govt. Servant who is to be retired and against whom disciplinary/ criminal proceedings are pending and there is possibilities are some money becoming recoverable for adjustment of Govt. dues as such the punishment order is against the provisions of rules.

(vii) That the action of disciplinary authority just within fifteen (15) days of retirement of the appellant was unjustified. The disciplinary authority initiated disciplinary action at the last moment of the retirement of the appellant in hurried manner without application of mind on the circumstances under which the appellant had worked at Chowk HO. As such, the punishment order is against the principles of natural justice. He also added that he was working at PSD Lucknow during period 01.01.2006 to 06.01.2006 as such statement of imputation is in fructuous.

4. I have gone through the arguments made by the appellant in his appeal with the relevant documents of the case. The position emerged as under:-

(i) The appellant was posted as APM SBSO Chowk HO during the period as mentioned in memo of charges. Being, the supervisor of SBSO branch of Chowk HO, he was required to supervise the work of Ledger Assistants who were assigned the duties of posting of Saving Bank Transactions, preparation of compilation and transfer of vouchers to SBCO Chowk HO and get this work completed day by day but instead of doing so, this work was kept in arrears. Due to his slackness, the misappropriation of Govt. money committed by the then SPIvi Blunt Square could not be detected early which resulted a huge misappropriation of Govt. money by the then SPM Blunt Square PO Lucknow in SB accounts. As such, the pleading of the appellant is not admitted.

(ii) The appellant was responsible for updation of back posting as mentioned in the charge sheet. If it was got done by him the discrepancies/ irregularities in the

balances would have been come into light and necessary action committed by the then SPM Blunt Square, would have been detected early. As such, the pleading of the appellant is not acceptable.

(iii) The pleading of the appellant cannot be admitted. In view of the fact that the posting and transfer of vouchers was done regularly, the irregularities committed by SPM Blunt Square PO Lucknow would have been detected early. The appellant failed to point out any irregularity during his working period, which proves that he as not following the rules and procedures as prescribed by the Department.

(iv) As per Rule-74 of SB Manual Volume-i, the special error book is to be maintained in respect of accounts in which transactions have taken place for 1" time after 31 March and Pass Book of which have not been received from SOs for verification of balances and entry of interest. The contention of the appellant that the relevant rules are applicable for 1" March to 31 June of the year is not tenable. This was the gross negligence on the part of appellant in proper supervision of subordinate staff working under him and maintenance of special error book. As such, the pleading of the appellant is not convincing.

(v) Not admitted as the plea of the appellant was considered and discussed by Disciplinary Authority in Para IV of the punishment order. As such, the contention of appellant is not convincing.

(vi) Not admitted as the appellant has been identified as subsidiary offender in the Blunt Square PO fraud case and due to the lapses found on his part, the then

SPM Blunt Square PO continued to commit misappropriation since long and the Department has sustained a huge loss of Govt. money. As such, the pleading of the appellant is not convincing.

5. From the above facts and circumstances of the case and on overall assessment of the case, I have come to the conclusion that the charges levelled against the appellant are proved, but keeping in view the circumstances as stated by the appellant in his appeal, the penalty awarded by the Disciplinary Authority vide memo no. F/SB-5/08-09 dated 29.07.2010 as mentioned above, is reduced to that of "Recovery of Rs. 25,000/-only." In exercise of powers conferred upon me under Rule 27 of CCS (CCA) Rules 1965. I hereby order accordingly."

(ix) Thereafter, Govind Narayan Mishra/private opposite party filed an Original Application No. 332/00378/2013 (Govind Narayan Mishra Versus Union of India and others) (in short 'O.A.'), before the Tribunal challenging the order dated 29.07.2010 passed by the Disciplinary Authority and order dated 31.01.2013 passed by the Appellate Authority.

(x) The Tribunal after considering the pleadings and documents on record before it, allowed the O.A. filed by Govind Narayan Mishra/private opposite party vide order dated 22.05.2024. The relevant portion of the same are extracted hereinunder:-

"6.5 The events of the charge relate to the period 01.01.2006 to 30.10.2006. The charge sheet was issued on 16.07.2010, i.e., in the month the applicant was due to retire. Application requesting for inspection of records was

made on 21.07.2010 by the applicant. Permission was granted on 26.07.2010. The applicant inspected the records available on 27.07.2020 and submitted his representation on 28.07.2010. The disciplinary authority passed the order imposing punishment on 29.07.2010. The speed with which the disciplinary proceedings were conducted is explained by the respondents in that the proceedings were initiated under rule 16 of CCS (CCA) Rules and were required to be concluded before the applicant retired. However, we find to effective rebuttal of the applicant's claim that he was not shown records listed at S. No. 1 and 3 of his application dated 21.07.2010 which were material in relation to the charge levelled against him. In the hurry to complete the disciplinary proceedings, the principle of affording full opportunity to the applicant to defend himself by supplying all relevant documents has been given short shrift.

6.6 Given the position above, we are of the opinion that the disciplinary proceedings against the applicant are vitiated on account of the respondents not having provided a fair opportunity to the applicant to defend himself by not making available to the applicant specific documents requested by him which cannot be said to be irrelevant to the charge against him.

6.7 Considering that the disciplinary proceedings were taken up against the applicant under rule 16 of the CCS (CCA) Rules, 1965 for events relating to the year 2006 and the fact that the applicant retired in July, 2010, no purpose would be served by remanding the case back to the respondents at this stage.

7.1 In view of the foregoing, the OA is allowed and the order dated 29.07.2010 passed by the disciplinary authority and order dated 31.01.2013 passed by the appellate authority are quashed and set aside. The respondents shall refund the amount deducted to the applicant within a period of three months from the date of receipt of certified copy of this order.

7.2 Pending MAs, if any, are also disposed of.

The Parties shall bear their own costs."

7. In the aforesaid background of the case, the present petition challenging the order dated 22.05.2024 passed by the Tribunal was presented before the Registry of this Court on 20.05.2025, without explaining the delay and laches of about 363 days.

8. It is trite law that delay or laches is one of the factors which should be borne in mind while exercising discretionary powers under Article 226. The High Court may refuse to invoke its extraordinary powers to revive any stale claim in case laches is found on the part of the applicant.

9. The question of delay or laches in approaching the High Court under Article 226 of the Constitution of India was examined in **Shiv Dass Vs. Union of India and others (2007) 9 SCC 274**, and it was held that in a case of pension though the cause of action continues from month to month, the same cannot be a ground to overlook delay in filing the petition. It was stated thus:-

"6. Normally, in the case of belated approach writ petition has to be dismissed. Delay or laches is one of the factors to be borne in mind by the High Courts when they exercise their discretionary powers under Article 226 of the Constitution of India. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in *Durga Prashad v. Chief Controller of Imports and Exports* [(1969) 1 SCC 185 : AIR 1970 SC 769]. Of course, the discretion has to be exercised judicially and reasonably.

10. In the case of pension the cause of action actually continues from month to month. That, however, cannot be a ground to overlook delay in filing the petition. It would depend upon the fact of each case. If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit the appellant had a case. If on merits it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone."

10. The basis of the doctrine of laches and the factors which are to be considered where delay and laches would be sufficient to deny relief to the petitioner, were examined in *UP Jal Nigam and another Vs. Jaswant Singh and another* reported in

(2006) 11 SCC 464 and referring to the statement of law in *Halsbury's Laws of England*, para 911, p. 395, it was stated thus:-

12. The statement of law has also been summarised in *Halsbury's Laws of England*, para 911, p. 395 as follows:

In determining whether there has been such delay as to amount to laches, the chief points to be considered are:

(i) acquiescence on the claimant's part; and

(ii) any change of position that has occurred on the defendant's part.

Acquiescence in this sense does not mean standing by while the violation of a right is in progress, but assent after the violation has been completed and the claimant has become aware of it. It is unjust to give the claimant a remedy where, by his conduct, he has done that which might fairly be regarded as equivalent to a waiver of it; or where by his conduct and neglect, though not waiving the remedy, he has put the other party in a position in which it would not be reasonable to place him if the remedy were afterwards to be asserted. In such cases lapse of time and delay are most material. Upon these considerations rests the doctrine of laches.

11. The principles relating to the effect of discretion under Article 226 of the Constitution to interfere in cases of the undue delay, laches and acquiescence were summarised in *Union of India Vs. N. Murugesan* 10 (2022) 2 SCC 25 and the following observations were made:-

"Delay, laches and acquiescence"

20. *The principles governing delay, laches, and acquiescence are overlapping and interconnected on many occasions. However, they have their distinct characters and distinct elements. One can say that delay is the genus to which laches and acquiescence are species. Similarly, laches might be called a genus to a species by name acquiescence. However, there may be a case where acquiescence is involved, but not laches. These principles are common law principles, and perhaps one could identify that these principles find place in various statutes which restrict the period of limitation and create non-consideration of condonation in certain circumstances. They are bound to be applied by way of practice requiring prudence of the court than of a strict application of law. The underlying principle governing these concepts would be one of estoppel. The question of prejudice is also an important issue to be taken note of by the court.*

Laches

21. *The word "laches" is derived from the French language meaning "remissness and slackness". It thus involves unreasonable delay or negligence in pursuing a claim involving an equitable relief while causing prejudice to the other party. It is neglect on the part of a party to do an act which law requires while asserting a right, and therefore, must stand in the way of the party getting relief or remedy.*

22. *Two essential factors to be seen are the length of the delay and the nature of acts done during the interval. As stated, it would also involve acquiescence on the part of the party approaching the court apart from the change in position in*

the interregnum. Therefore, it would be unjustifiable for a Court of Equity to confer a remedy on a party who knocks its doors when his acts would indicate a waiver of such a right. By his conduct, he has put the other party in a particular position, and therefore, it would be unreasonable to facilitate a challenge before the court. Thus, a man responsible for his conduct on equity is not expected to be allowed to avail a remedy.

23. *A defence of laches can only be allowed when there is no statutory bar. The question as to whether there exists a clear case of laches on the part of a person seeking a remedy is one of fact and so also that of prejudice. The said principle may not have any application when the existence of fraud is pleaded and proved by the other side. To determine the difference between the concept of laches and acquiescence is that, in a case involving mere laches, the principle of estoppel would apply to all the defences that are available to a party. Therefore, a defendant can succeed on the various grounds raised by the plaintiff, while an issue concerned alone would be amenable to acquiescence.*

Acquiescence

24. *We have already discussed the relationship between acquiescence on the one hand and delay and laches on the other.*

25. *Acquiescence would mean a tacit or passive acceptance. It is implied and reluctant consent to an act. In other words, such an action would qualify a passive assent. Thus, when acquiescence takes place, it presupposes knowledge against a particular act. From the knowledge comes passive acceptance,*

therefore instead of taking any action against any alleged refusal to perform the original contract, despite adequate knowledge of its terms, and instead being allowed to continue by consciously ignoring it and thereafter proceeding further, acquiescence does take place. As a consequence, it reintroduces a new implied agreement between the parties. Once such a situation arises, it is not open to the party that acquiesced itself to insist upon the compliance of the original terms. Hence, what is essential, is the conduct of the parties. We only dealt with the distinction involving a mere acquiescence. When acquiescence is followed by delay, it may become laches. Here again, we are inclined to hold that the concept of acquiescence is to be seen on a case-to-case basis.

12. Hon'ble Supreme Court has reiterated this principle in case of **Mrinmoy Maity Vs. Chhanda Koley and others (2024) SCC OnLine SC 551** as under:

"9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case,

the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.

11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own

wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court. This Court in the case of **Tridip Kumar Dingal v. State of W.B., (2009) 1 SCC 768** has held to the following effect:

"56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ court. It is well settled that power to issue a writ is discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches. 57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime (vide *State of M.P. v. Bhailal Bhai*, [AIR 1964 SC 1006 : (1964) 6 SCR 261], *Moon Mills Ltd. v. Industrial Court*, [AIR 1967 SC 1450] and *Bhoop Singh v. Union of India*, [(1992) 3 SCC 136 : (1992) 21 ATC 675 : (1992) 2 SCR 969]). This principle applies even in case of an infringement of fundamental right (vide *Tilokchand*

Motichand v. H.B. Munshi, [(1969) 1 SCC 110], *Durga Prashad v. Chief Controller of Imports & Exports*, [(1969) 1 SCC 185] and *Rabindranath Bose v. Union of India*, [(1970) 1 SCC 84]).

58. There is no upper limit and there is no lower limit as to when a person can approach a court. The question is one of discretion and has to be decided on the basis of facts before the court depending on and varying from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the delay arose."

12. It is apposite to take note of the dicta laid down by this Court in **Karnataka Power Corporation Ltd. v. K. Thangappan, (2006) 4 SCC 322** whereunder it has been held that the High Court may refuse to exercise extraordinary jurisdiction if there is negligence or omissions on the part of the applicant to assert his right. It has been further held thereunder:

"6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in *Durga Prashad v. Chief Controller of Imports and Exports*, [(1969) 1 SCC 185 : AIR 1970 SC 769]. Of course,

the discretion has to be exercised judicially and reasonably.

7. *What was stated in this regard by Sir Barnes Peacock in Lindsay Petroleum Co. v. Prosper Armstrong Hurd, [[L.R.] 5 P.C. 221 : 22 WR 492] (PC at p. 239) was approved by this Court in Moon Mills Ltd. v. M.R. Meher, [AIR 1967 SC 1450] and Maharashtra SRTC v. Shri Balwant Regular Motor Service, [(1969) 1 SCR 808 : AIR 1969 SC 329]. Sir Barnes had stated:*

"Now, the doctrine of laches in courts of equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy either because the party has, by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitation, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in such cases are, the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as it relates to the remedy."

8. *It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation to*

Article 32 of the Constitution. It is apparent that what has been stated as regards that article would apply, a fortiori, to Article 226. It was observed in Rabindranath Bose v. Union of India, [(1970) 1 SCC 84 : AIR 1970 SC 470] that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under Article 32 after inordinate delay. It was stated that though Article 32 is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution-makers that this Court should disregard all principles and grant relief in petitions filed after inordinate delay.

9. *It was stated in State of M.P. v. Nandlal Jaiswal, [(1986) 4 SCC 566 : AIR 1987 SC 251] that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third-party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction."*

13. *Reiterating the aspect of delay and laches would disentitle the*

