

**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO.10898/2025  
(Arising out of S.L.P.(C)No.13637 of 2025)**

**STATE OF KERALA & ORS.**

**... Appellant(s)**

**VERSUS**

**KRISHNAN N.V.**

**... Respondent(s)**

**ORDER**

(1) Leave granted.

(2) The State is in appeal against the order dated 03.02.2025 passed by the High Court of Kerala at Ernakulam in Original Petition (KAT) No.352/2024. Vide the aforesaid order, the writ petition filed by the State challenging the order dated 11.01.2024 passed by the Kerala Administrative Tribunal at Thiruvananthapuram (for short 'the Tribunal') in OA (EKM) No.1444/2021 was dismissed.

(3) Much facts are not required to be narrated as it is a case in which admittedly the respondent retired from service on 31.01.2008. He was serving in the department of Excise as a Preventive Officer. He

approached the Tribunal by filing OA (EKM) NO.1444/2021, seeking certain benefits which, according to the respondent, had been given to his juniors while they were in service. The same was allowed by the Tribunal and the order was upheld by the High Court.

(4) The argument raised by the learned counsel for the appellants is that the OA filed by the respondent deserved to be dismissed on account of delay and laches only as the respondent had approached the Tribunal more than 11 years after his retirement for seeking the benefit, which may be due to him during his service.

(5) The aforesaid aspect has not been considered by the Tribunal as well the High Court though it went to the root of the case.

(6) The learned counsel for the respondent submitted that even during his service, the respondent had been making representations. Even after retirement, he had made various representations, however, his claim was not considered, hence, he had no option but to approach the Tribunal. As the respondent had been repeatedly making representations to which the authorities maintained silence, delay should not come in his way to claim legitimate relief, which was granted to his juniors.

(7) After hearing learned counsel for the parties, we find that the claim made by the respondent was highly belated as the OA itself was filed by the respondent in the year 2019, i.e. more than 11 years after he had retired from service on 31.01.2008. The petitioner had filed the OA seeking the benefit of promotions and arrears of pay and allowances as had been granted to his juniors during the course of his employment, ignoring his claim.

(8) Whether repeated representations can justify delay and laches in approaching the Tribunal/court? The law on this issue is well settled. Reference can be made to the judgment of this Court in *State of U.P. v. Rajmati Singh*<sup>1</sup>, whereby dealing with the issue of delay and laches, it was held as under:

“12. In our considered view, the respondent like any vigilant citizen, especially given that she does not belong to economically or socially backward segments of the society, was expected to assert her rights before an appropriate forum within a reasonable time. Repeated representations neither give rise nor revive the cause of action, if it had already arisen in the past. The respondent's difficulties do not end there, given that her services were brought to an end when she was denied to resume her duties in the year 1974. She was, thus, required to seek a declaration of her

continuity or have a writ of mandamus issued for her reinstatement. She did not do either.”

(9) Further reliance is placed on the judgment passed by this Court in *State of Orissa vs. Laxmi Narayan Das*<sup>2</sup>. It has been opined therein as under:

“16. ...Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant “a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis. ... A court is not expected to give indulgence to such indolent persons- who compete with ‘Kumbhakarna’ or for that matter ‘Rip Van Winkle’. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

(10) For the reasons mentioned above, the order passed by the Tribunal as well as the High Court cannot be sustained. The OA and the Writ Petition filed by the respondent deserve to be dismissed on account of huge delay in availing the remedy for redressal of his grievance.

(11) The Civil Appeal is accordingly allowed. The impugned orders passed by the High Court as well as the Tribunal are set aside. There shall be no order as to costs.

.....J.  
[RAJESH BINDAL]

.....J.  
[MANMOHAN]

**NEW DELHI,  
AUGUST 19, 2025.**

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.13637/2025

[Arising out of impugned final judgment and order dated 03-02-2025 in OPKAT No. 352/2024 passed by the High Court of Kerala at Ernakulam]

STATE OF KERALA & ORS.

Petitioner(s)

VERSUS

KRISHNAN N.V.

Respondent(s)

FOR ADMISSION and I.R.

IA No. 121119/2025 - EXEMPTION FROM FILING O.T.

Date : 19-08-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RAJESH BINDAL  
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) : Mr. Harshad V. Hameed, AOR  
Mr. Dileep Poolakkot, Adv.  
Mrs. Ashly Harshad, Adv.

For Respondent(s) : Mr. Alim Anvar, Adv.  
Mr. Santhosh K, Adv.  
Mr. T. Velmurugan, Adv.  
Mr. P. Raja, Adv.  
Mr. E. Krishnaperumal, Adv.  
Ms. Smita Amratlal Vora, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The civil appeal is allowed in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(KRITIKA TIWARI)  
SENIOR PERSONAL ASSISTANT

(AKSHAY KUMAR BHORIA)  
COURT MASTER (NSH)

[Signed order is placed on file]

