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WA-1702-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,  
ACTING CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE SANJAY DWIVEDI

ON THE 30<sup>th</sup> OF JUNE, 2025

WRIT APPEAL No. 1702 of 2025

*ARVIND KUMAR DWIVEDI*

*Versus*

*THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Anil Lala - Advocate for the appellant.*

*Dr. S.S. Chouhan - Government Advocate for the respondents/State.*

*Shri Rajneesh Gupta - Advocate for respondent No.3.*

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ORDER

*Per. Sanjeev Sachdeva, Acting Chief Justice*

Appellant impugns order dated 19.03.2025, whereby the writ petition filed by the appellant/petitioner challenging an order dated 05.05.2022 passed by the M.P. State Cooperative Tribunal, Bhopal, has been dismissed.

2. Appellant was employed on the post of Peon/Process Server as a daily rated worker in the respondent/Bank along with two other individuals. Initially, appellant was appointed in the year 2000 and worked for a total of 89 days till 2004, whereafter he was discontinued. From 2004 to 2013, appellant did not raise any dispute and raised the claim only in the year 2013.

3. The claim raised by the appellant was referred to the Deputy Registrar and the said authority vide its order dated 30.12.2015 allowed the claim raised by the appellant. The order of Deputy Registrar passed on 30.12.2015 was challenged



by the respondent/Bank in an appeal before the Tribunal which was allowed on 16.04.2018 and the matter was remitted to the Deputy Registrar to reconsider the aspect of delay in raising the claim by the appellant. Subsequently, the Deputy Registrar condoned the delay and once again directed the respondent/Bank to keep the appellant on work on the post of Peon/Process Server on daily wages. Respondent/Bank once again challenged the dispute before the Tribunal and the Tribunal dismissed the appeal of the Bank by order dated 13.03.2019. The order of dismissal by the Tribunal was challenged by the Bank before this Court in W.P. No.9389 of 2019, which was allowed on 08.05.2019 and the matter was remitted to the Tribunal for fresh consideration. The Tribunal allowed the appeal of the Bank by order dated 05.05.2022 and the order of the Deputy Registrar directing the appellant's reinstatement has been set aside. Appellant challenged the order of the Tribunal before the writ Court in the subject writ petition and said challenge has been negated holding therein that the appellant (petitioner in the writ petition) has been sleeping over his rights for over 11 years prior to raising any dispute and there is no explanation for delay.

4. Learned counsel for the appellant submits that the delay in raising the dispute has already been condoned and as such, the writ Court could not have rejected the claim solely on the ground of limitation.

5. *Per contra*, learned counsel for the respondents submits that the appellant was not only seeking reinstatement in service but was also claiming regularization in service and since he was a daily wager having worked only for 89 days, he could not have sought regularization and furthermore, there was a delay of over 11 years in raising the dispute.

6. It is an admitted position that the appellant was employed only as a daily rated employee and has not worked more than 89 days in the organization.



Appellant has worked for only 89 days in a span of four years between 2000 to 2004 and was thereafter not continued. He did not raise any dispute for nearly nine years. A daily rated employee who has worked for only 89 days intermittently in a span of four years cannot be now permitted to raise the dispute and that too after 11 years seeking re-employment or regularization. The Writ Court has not erred in holding that the appellant has been sleeping over his rights. Merely because two other employees who were employed on daily rated basis with the appellant have continued would not give any right to the appellant to claim parity for the reason that it is not the case of the appellant that the other two were also discontinued and claimed reinstatement after a long gap. Since appellant had worked only as a daily rated employee for 89 days in a period of four years, no direction can be issued to the respondent/Bank to reinstate the appellant or re-employ him particularly when he failed to raise any dispute promptly.

7. We do not find any infirmity in the view taken by the learned Single Judge or any merit in the appeal. The appeal is consequently dismissed.

(SANJEEV SACHDEVA)  
ACTING CHIEF JUSTICE

(SANJAY DWIVEDI)  
JUDGE