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WA-872-2025

IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SURESH KUMAR KAIT,  
CHIEF JUSTICE

&amp;

HON'BLE SHRI JUSTICE VIVEK JAIN

ON THE 22<sup>nd</sup> OF APRIL, 2025

WRIT APPEAL No. 872 of 2025

*THE MADHYA PRADESH WAREHOUSING AND LOGISTIC  
CORPORATION AND OTHERS*

*Versus*

*SUNIL GOKHE*

.....  
Appearance:

Shri Praveen Dubey - Advocate for the appellant.

Ms. Warija Ghildiyal - Advocate for respondent.  
.....

ORDER

*Per. Hon'ble Shri Justice Suresh Kumar Kait, Chief Justice*

The appellants have prayed for following relief in this writ appeal:-

(i) *Allow the instant Writ Appeal, by Setting Aside, the impugned judgment dated- 11.12.2024 (Ann.A/1) passed in Writ Petition no.9693/2023 (Sunil Gokhe ys. Madhya Pradesh Warehousing & Logistics Corporation and others), passed by the Hon'ble Single Judge.*

(ii) *Dismiss, the Writ Petition No. 9693 of 2023 (Sunil Gokhe Vs. Madhya Pradesh Warehousing Corporation and others), filed by the Respondent/Writ Petitioner with cost throughout.*

(iii) *To call for the relevant Records of Writ Petition, for kind perusal of this Hon'ble Court.*



*(iv) Issue any Order, as this Hon'ble Deemed Fit, on the facts and circumstances of the instant Appeal.*

2. The present appeal has been filed on the ground that the writ Court while quashing the charge-sheet on ground of delay of ten years ought to have appreciated that a show cause notice on the same charges was issued to the Writ Petitioner on 27.10.2021. He filed three replies refuting the allegations on merit without raising any question of delay in initiation of the departmental enquiry or the charge-sheet. After due consideration, the impugned charge-sheet dated 25.11.2021 (Annexure- P/1) was issued, which was also sufficiently replied to by him on 15.12.2021.

3. On that issue, the counsel appearing on behalf of appellants submits that when writ petition was filed, charge-sheet had been issued prior to more than one year. The charge-sheet was issued and other procedures were adopted as noted above. The only question relates to delay in challenging the charge-sheet and admitted proceedings thereto.

4. It is not in dispute that a show-cause notice was issued on 27.10.2021 and the charge-sheet was issued on 25.11.2021 (Annexure-P/1) while allegation related to 2011. The writ petitioner retired on 31.05.2022 and thereafter he filed writ petition on 24.04.2023. Though he replied to the show-cause notice and participated in the inquiry proceedings, meanwhile he challenged the same before the writ Court. A preliminary issue raised by the appellants herein is that writ petitioner filed the writ petition belatedly by challenging the charge-sheet/show-cause notice. The aforesaid period is not, according to our opinion, hit by delay and laches. Though there is no limitation applicable in filing the writ petition, however, delay and laches is



to be seen by the Court. The said period was not the period of fatal delay and laches and has been properly explained in para 4 of the writ petition. Accordingly, the writ Court has rightly rejected the defence of the appellants.

5. Consequently, we find no illegality or perversity in the order passed by the learned Single Judge. Finding no merit in the appeal, the same is hereby dismissed.

**(SURESH KUMAR KAIT)**  
**CHIEF JUSTICE**

**(VIVEK JAIN)**  
**JUDGE**

Biswal