

GAHC010044532024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : I.A.(Civil)/739/2024

SRI SABARAT ALI @ SHEIKH
S/O SRI SRHAB ALI, R/O VILL- SURIYAKHATA PART-II, P.O. BILASIPARA,
DIST. DHUBRI, ASSAM.

VERSUS

THE UNION OF INDIA and 3 ORS
REP. BY SECRETARY MINISTRY OF DEFENCE, NEW DELHI.

2:DIRECTOR GENERAL BORDER SECURITY FORCE

R.K. PURAM
NEW DELHI.

3:THE INSPECTOR GENERAL

FRONTIER HEADQUARTER BORDER SECURITY FORCE
NORTH BANGAL.

4:COMMANDENT 41 BN. BSF

COOCH BIHAR W. BENGAL

Advocate for the Petitioner : MR M J QUADIR, MR S S ISLAM,MR. A K HANNAN,MS S AHMED

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

13.09.2024

Heard Mr. A. K. Hannan, learned counsel for the applicant. Ms. A. Gayan, learned CGC is present on behalf of the OPs.

This I.A. has been filed under Section 5 of the Limitation Act, 1963 with a prayer to condone the delay of 2929 days in preferring the connected application for restoration of WP(C) No.2826/2007 which was dismissed for default by the order dated 23.01.2014 passed by this Court.

It appears that by filing the writ petition the petitioner had challenged the order of dismissal from service issued on 18.06.2006 terminating the service of the writ petitioner as BSF Constable. More than 18 years have elapsed since the termination of service of the petitioner.

Be that as it may, after going through the statements made in the I.A., this Court finds that there is no satisfactory explanation regarding the delay of 2929 days in preferring the connected application for restoration. The learned counsel for the applicant also could not convince this Court by urging any relevant ground, addressing the Court as to why, the I.A. should be allowed by condoning the delay.

In view of the above, this Court is of the opinion that there is no good ground for this Court to condone the delay of 2929 days in filing the restoration petition.

This I.A. is accordingly dismissed.

Consequently, the MC No.20/2024 shall also stand disposed of.

JUDGE

Comparing Assistant