

GAHC010151452024



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

**Case No. : WP(C)/3854/2024**

EX CONSTABLE FORCE NO. 884659103 JAYANTA GOGOI  
S/O- RAMA GOGOI, RESIDENT OF VILLAGE- DOLLOBARI GAON, P.O.  
PEOLIPHUKAN, P.S. GELEKY, IN THE DISTRICT OF SIVASAGAR, ASSAM,  
PIN- 785685

VERSUS

THE UNION OF INDIA AND 6 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY  
OF HOME AFFAIRS, NEW DELHI, PIN- 110001

2:THE DIRECTOR GENERAL  
CENTRAL INDUSTRIAL SECURITY FORCE  
NEW DELHI  
PIN- 110001

3:THE INSPECTOR GENERAL  
NES HQR KOLKATA  
CISF  
PREMISES NO. 553  
EAST KOLKATA TOWNSHIP KASBA  
KOLKATA  
PIN- 700107

4:THE DEPUTY INSPECTOR GENERAL  
CENTRAL INDUSTRIAL SECURITY FORCE  
NEZ HQR KOLKATA  
PREMISES NO. 553  
EAST KOLKATA TOWNSHIP KASBA  
KOLKATA  
PIN- 700107

5:THE GROUP COMMANDANT  
CISF GROUP HQRS GUWAHATI  
BEHARBARI  
ASSAM  
PIN- 781029

6:THE DEPUTY COMMANDANT  
CISF UNIT CPM PANCHGRAM  
P.O. PANCHGRAM  
IN THE DISTRICT OF HAILAKANDI  
ASSAM  
PIN- 788802

7:THE ENQUIRY OFFICER CUM ASSISTANT COMMANDANT  
CISF UNIT CPM PANCHGRAM  
P.O. PANCHGRAM  
IN THE DISTRICT OF HAILAKANDI  
ASSAM  
PIN- 78880

**Advocate for the Petitioner** : MR U S BORGOHAIN, MR. J HATIMURIA

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

**BEFORE**  
**HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

**ORDER**

**14-08-2024**

Heard Shri J. Hatimuria, learned counsel for the petitioner. Also heard Shri RKD Choudhury, learned Dy. SGI for all the respondents.

**2.** The petitioner was a Constable in the CISF and in the year 1998 a disciplinary proceeding was initiated against him. The said proceeding culminated in an order of 27.06.1998 by which the petitioner was dismissed from service. The petitioner had preferred an appeal on 20.07.1998 which was also rejected by the appellate authority on 14.07.1999. It is contended by the learned counsel that in the proceeding, no proper opportunity was granted to

the petitioner. He has contended that due to the impugned order of dismissal, the petitioner is deprived from pension under the Rules holding the field. It is also averred that after the dismissal, the petitioner had become mentally unfit and is now medically sound and therefore has approached this Court.

**3.** *Per contra*, Shri Choudhury, the learned Deputy SGI has submitted that even without entering into the merits of the dispute sought to be raised, there is no proper explanation at all as to the inordinate delay from the order of dismissal passed in the year 1998. It is submitted that apart from a bald statement made in paragraph 16 along with a medical certificate of 28.04.2024, there is no explanation at all.

**4.** To examine the aforesaid aspect of delay and laches, this Court has examined the averments made in paragraph 16 of the writ petition. For ready reference, the statements made in paragraph 16 is extracted herein below:-

*“16. That the Petitioner respectfully begs to state that after dismissal from service, he had become mentally unfit person. That the Petitioner had been suffering from depression and mental instability with forgetfulness from many years. That, recently he has recovered from the said mental illness. Now, the Petitioner is medically found fit. That the delay in filing the present writ petition was caused due to mental illness of the Petitioner. Further, due to his mental illness, he was under medical treatment for long years. As a result of Petitioner's mental illness he was not sound mind. Therefore, there is delay in approaching before this Hon'ble Court. Now, the Petitioner is medically found fit and therefore he is approaching before this Hon'ble High Court.”*

**5.** The aforesaid pleadings are supported by a medical certificate issued on 28.04.2024. As per the said certificate, the petitioner had suffered from depression and mental instability with forgetfulness for many years. Apart from the said contents, there is no details at all as regards the nature of the ailment, the period of treatment etc.

**6.** Though the provisions of the Limitation Act, 1963 *per se* may not have an application in a writ proceeding, the aspect of laches is one of the important factors which is required to be taken into consideration, moreso when this Court under Article 226 of the Constitution of India exercises equitable jurisdiction.

**7.** In the instant case, the delay is not only inordinate but lacks any acceptable explanation. In that view of the matter, this Court is of the opinion that this petition is not liable to be entertained and accordingly the same is dismissed.

**JUDGE**

**Comparing Assistant**