

GAHC010265582024



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

Case No. : WP(C)/6918/2024

BABUL HUSSAIN MAZUMDER
S/O- LATE ILIAS ALI MAZUMDER, VILL. AND P.O. ALGAPUR PART-V, P.S.
ALGAPUR, DIST. HAILAKANDI, ASSAM, PIN- 788150

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE PRINCIPAL SECETARY TO THE GOVT. OF ASSAM,
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT, DISPUR,
GUWAHATI-06

2:THE COMMISSIONER
PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT
ASSAM
PANJABARI
GUWAHATI-37

3:THE CHIEF EXECUTIVE OFFICER
HAILAKANDI ZILLA PARISHOD
P.O. AND DIST.- HAILAKANDI
ASSAM
PIN- 788151

4:THE BLOCK DEVELOPMENT OFFICER (BDO)
ALGAPUR DEVELOPMENT BLOCK
P.O. KALIBARI BAZAR
DIST.- HAILAKANDI
ASSAM
PIN- 788150

5:THE SECRETARY
MOHANPUR GAON PANCHAYAT

P.O. MOHANPUR
DIST.- HAILAKANDI
ASSAM
PIN- 78815

Advocate for the Petitioner : MR. S B LASKAR, MR. H A LASKAR,MR. A S TAPADER,MS D DUTTA

Advocate for the Respondent : SC, P AND R.D.,

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

20-12-2024

Heard Shri H. A. Laskar, learned counsel for the petitioner.

As per the facts projected, the petitioner was working as a Gram Rojgar Sahayak in the Mohanpur Gaon Panchayat under the Algapur Development Block in the district of Hailakandi and he was absent from duties for the period from 14.04.2013 to 09.07.2013 for medical reasons.

The petitioner claims to have filed a representation on 10.07.2013 before the Secretary for allowing him to continue in service which was forwarded. The petitioner had thereafter served further representation on 17.07.2024.

The learned counsel for the petitioner submits that a direction be issued for continuation of his services and for release of the salaries.

Ms. N. Bora, learned Standing Counsel, P&RD has however raised serious objection on the gross delay and laches in approaching this Court. She has highlighted the aspect that the grievance relates to a period of more than a decade earlier and this writ petition has been filed on 2024.

The rival submissions have been considered.

Admittedly, the pleadings in the writ petition do not even indicate that after

14.04.2013, the petitioner had rendered his service and therefore the question for release of salaries cannot arise. Though the period from 14.04.2013 to 09.07.2013 has been sought to be justified on a medical grounds, there is not even a single document annexed regarding grant of such leave for such medical grounds. What stares on the face of the Court is the inordinate delay of more than a decade in approaching the Court, that too for consideration of a representation submitted in the year 2013. Though the learned counsel has referred to subsequent representation including one dated 17.01.2024, it is a settled law that mere filing of representation would not extend the period of limitation.

Be that as it may, this Court while exercising the powers under Article 226 of the Constitution of India is a Court of Equity wherein the *bona fide* and conduct of the party approaching this Court is of paramount importance and due diligence is an integral part of such *bona fide*.

In view of the aforesaid discussion, the present is not a fit case wherein any direction can be granted.

Writ petition is accordingly dismissed.

JUDGE

Comparing Assistant