

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11203 of 2008

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Basant Kumar Singh, Son of Nagina Singh, resident of Village- Harpur Jan,
P.S.- Masharakh in the district of Saran.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kr.Singh, Advocate.

For the Respondent/s : Mr. Biresh Kumar Sinha, AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 11-08-2015

Heard learned counsel for the parties.

2. Having regard to the fact that the petitioner has filed this writ application assailing the order of dismissal from service passed in the year 1992, after a period of 16 years on 29.07.2008, this Court will have no difficulty in dismissing this writ application only on the ground of delay and laches.

3. Let it be noted that the petitioner in his representation, sent only on 12.09.2006, as contained in Annexure-3, comes out to say that he was dismissed from service after 19 years since then he was appointed on 1973. He was well aware of the order of his dismissal from service and, therefore, this Court, taking into account not only the delay of 16 years but also the seriousness of the charge not only in relation to unauthorized

absence from duty but also being a corrupt police officer having been proved, is not inclined to now allow the petitioner to agitate the matter.

4. Thus while this Court would not interfere in the order of dismissal of service passed way back in the year 1992, but if the petitioner's any dues, found payable in law, still has not been paid, on account of the impugned order of dismissal, such payment will be made to the petitioner and shall not be withheld on account of dismissal of this writ application. In other words of the petitioner had deposited the amount of provident fund or the same was deducted from his salary and/or if the petitioner was the member of group insurance scheme and any deduction was made in the said scheme from the salary of the petitioner, his such contribution should be refunded in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. Subject to the aforesaid limited observation and direction this writ application fails and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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