

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8031 of 2014

=====

Chandan Sah Son of Shri Baban Narayan Sah, resident of Village- Palian,
Post Office- Dinari, P.S.- Rajpur, District- Buxar.

.... Petitioner/s

Versus

1. The Union of India through its Secretary Department of Home, New Delhi
2. The Director General of Boarder Securities Forces Government of India, New Delhi
3. The Inspector General of Boarder Securities Forces Government of India, New Delhi
4. The Commandant, 41 B.N. Border Security Force, Coach Behar State West Bengal
5. The Assistant Commandant (Ministerial) N.B. Frontier Border Security Force Post Kadamtal, District- Darjeeling State West Bengal
6. The Deputy Commandant 41th Border Security Forces Biknivind Taran Taran Punjab- 06
7. The Joint Assistant Director (ACCtts), B.S.F. New Delhi

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Adv

For the U.O.I. : Mr. Anshuman Singh, C.G.C

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-02-2015 Heard learned counsel for the parties as with

regard to the following relief prayed in this writ

application:-

"(i) For issuance of a writ in the nature of mandamus commanding the respondents to re appoint the petitioner on the post of Constable in Border Security Force/or vacate the termination from regular service on the post of Constable.

(ii) For issuance of direction to make payment of the termination period and other

consequential benefits as petitioner entitled to."

Having regard to the fact that the petitioner was a Constable in Border Security Force and was removed from service by an order dated 20.08.2006, which was also affirmed by rejection of his appeal on 09.03.2007, this writ application filed after 7 to 8 years of the cause of action, is fit to be dismissed on the ground of delay and laches on the part of the petitioner.

When such an observation has been made, learned counsel for the petitioner seeks permission to withdraw this application in order to enable the petitioner to avail any further departmental remedy.

While this Court would allow such prayer of the learned counsel for the petitioner but it would also make it clear that now the petitioner will have no liberty to move this Court again for the same cause of action.

(Mihir Kumar Jha, J)

Ranjan/-

U			
---	--	--	--