

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12717 of 2012

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Uma Shankar Singh Son of Late Ram Jatan Singh Resident of Village- Shanti Nagar, Kinjar, Post Office and Police Station- Shanti Nagar, Kinjar, in the Town and District- Arwal.

.... Petitioner/s

Versus

1. The Union of India, through the Secretary, Ministry of Home Affairs, New Delhi.
2. Deputy Inspector General, Central Reserve Police Force, Neemuch, Madhya Pradesh.
3. Commandant, Group Centre 28 Battalion, Central Reserve Police Force, Duliajan, Assam.
4. Officer Commanding, Head Quarter Coy, 28 Battalion, Duliajan, Assam.
5. The Director General, C.R.P.F., New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

For the Respondent/s : Mr. Rajesh Kumar Verma, Adv.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-08-2015

Heard learned counsel for the parties.

Learned counsel for the petitioner is permitted to implead the Director General, C.R.P.F., New Delhi as respondent no. 5. Let necessary correction be made during the course of the day.

It appears that the petitioner was discharged from the service of the C.R.P.F. in the year 1971 pursuant to which he had filed a writ petition before this Court in the year 2010. The Court had directed the petitioner to approach the authority by filing representation which was to be considered. When the same was not done, the petitioner again moved this Court in M.J.C. No. 2974 of 2011 which was also disposed off on 03.11.2011 in view

of the fact that the petition filed by the petitioner had been disposed off by order dated 09.05.2010. However, liberty was given to the petitioner to challenge the order dated 09.05.2010. The present writ application has been filed pursuant to the said liberty granted by the Court.

Learned counsel for the petitioner submits that for the period the petitioner has worked i.e., 1962 to 1971, he should be paid his dues.

Learned counsel for the respondents on the other hand submits that the writ petition is not maintainable for the reason that the cause of action is of the year 1971 and by indulgence, the Court has granted liberty to the petitioner to approach before the authority by filing representation. Thus, according to him, the Court had not interfered in the matter and the liberty given to file a representation should not be construed to give a fresh lease of life to the lis by making the order passed on the application again amenable to writ jurisdiction.

This Court finds substance in the contentions of learned counsel for the respondents. Accordingly, the Court is not inclined to interfere in the matter in exercise of its extraordinary prerogative writ jurisdiction. However, since the petitioner admittedly has worked with the C.R.P.F. from August, 1962 till April, 1971, he may be entitled to some benefits for the period he was in service. Thus, the petitioner, if so advised, may file a proper representation before the respondent no. 5 within four

weeks from today alongwith a copy of this order who shall look into the matter. If it is found that some admissible dues remain unpaid, the same be paid to the petitioner within four weeks thereafter.

The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

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