

Party Name : NARAYAN CH ROY Vs STATE OF TRIPURA & 3 ORS

THE HONBLE MR. JUSTICE S.C.DAS

Heard learned counsel Mr. C. S. Sinha for the petitioner and learned Addl. G.A., Ms. A. S. Lodh for the State-respondents.

The petitioner, inter alia, contended that he passed Higher Secondary and then got diploma in Mechanical Engineering. He joined Industries Department on 26.07.1997 as an Instructor and the post was re-designated as Sr. Instructor under ROP Rules 1988. He retired from service on 30th June, 2005.

It is contended by the petitioner that though the petitioner was a diploma holder Engineer, he was not treated at par with the diploma holder Engineers in the other departments. Some of his colleagues who joined the Industries department in the post of Instructor, after ROP Rules 1988 come into force, filed a writ petition in the Gauhati High Court, Agartala Bench vide Civil Rule No.537 of 1997 claiming the similar benefits like that of the other diploma holder Engineers in the other departments. The said writ petition was decided in favour of the petitioners. Respondents filed writ appeal No.163 of 2001 before the Division Bench of the Gauhati High Court and the writ appeal was also dismissed. Thereafter the benefits were allowed to those writ petitioners. The petitioner did not participate in the writ case and so the benefits which were allowed to his colleagues were not allowed to him. He retired in the meantime. By filing this writ petition, the petitioner prayed for similar benefits which were refused by the State-respondents after retirement of the petitioner.

Respondents contended that the petitioner was not entitled to the benefits as claimed in this writ petition.

Learned counsel Mr. C.S. Sinha has very fairly submitted that the petitioner's case and the case of the petitioners of the earlier writ petition were same and identical but it is a fact that the petitioner did not come in time and when he found that his colleagues got the benefits, he approached this Court after his retirement.

On perusal of the pleadings of the parties, I am of considered opinion that the petitioner did not approach the Court in time when the cause of action for the relief arose. The claim of the petitioner suffers from delay and laches since he did not approach the Court in time and only when after his retirement he found that some of his colleagues got the benefits because of the judgment passed by the High Court in the writ case, he filed this writ petition in the year 2010 though he had retired from service in the year 2005. The claim of the petitioner is a stale claim and hence, I find no justification to grant any relief to the petitioner and accordingly, the writ petition stands dismissed.