

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.192 of 2014

IN

Civil Writ Jurisdiction Case No. 18622 of 2012

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Rama Nand Singh, Son of Sadhu Sharan Singh, Resident of Village- Nandpur, P.S.-
Surajgarha, District- Lakhisarai

.... Appellant/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar
3. The Inspector General of Police Bhagalpur Range
4. The Director General of Police, Jharkhand
5. The Inspector General of Police, Hazaribagh Range
6. The Deputy Inspector General of Police North Chhotanagpur, Range, Hazaribagh
7. The Superintendent of Police, Hazaribagh, Jharkhand

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rakesh Kumar Samrendra

For the Respondent/s : Mr. Neeraj Kumar, AC to SC 22

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-04-2016

The order dated 17th December, 2013 passed by the learned Single Bench in CWJC No. 18622 of 2012 is the subject matter of challenge in the present Letters Patent Appeal.

The appellant was a Constable working with Bihar Police. He was dismissed from service on 1.9.1976. The appeal against his dismissal was rejected in 1976. He approached the writ court in 2012.

The grievance of the appellant is that he submitted

memorial before the D.G.P. Bihar on 17.04.1978 which was not decided. Thereafter, he approached the writ jurisdiction.

Even if memorial was filed, cause of action for the appellant had arisen in the year 1978, when the appeal was dismissed. The action to dispute the decision has to be taken within the period of limitation and not at any point of time. Reference may be made to the judgment of the Supreme Court in the case of **State of Punjab vrs. Gurdev Singh [AIR 1991 SC 2219]**, wherein it has been held that a dismissal order even if it is illegal, has to be challenged within the period of limitation. Though there is no limitation for the purposes of invoking jurisdiction of this Court, but invocation of jurisdiction in 2012, i.e. more than 34 years later, is grossly delayed and suffers from laches.

Consequently, we do not find any error in the order of the learned Single Judge. The appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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