

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11577 of 2015

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Ram Narain Rai, ex-sepoy, son of Late Hazari Rai, resident of village Bhupbhero,
P.O. Bhupmero, District- Sitamarhi, Bihar.

.... Petitioner/s

Versus

1. The Union of India through the Director General.
2. The Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Ministry of Defence, Govt. of India, New Delhi.
4. The 9 Bihar Regiment, Indian Army Head quarters, New Delhi.
5. The Directorate of Rehabilitation, Ministry of Defence, Govt. of India, New Delhi.
6. The Grievance Cell, Pension, Ministry of Defence, New Delhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jainendra Kumar, Adv.
For the Respondent/s : Mr. S.D Sanjay (ADDL. SOC. GEN.)
Mr. Tuhin Shankar, CGC

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 12-05-2016

Heard learned counsel for the petitioner and counsel for
the Union of India.

In this case, the petitioner is seeking relief for pension
and other retiral dues. From the records, it appears that the petitioner
was inducted in the Indian Army in the year 1968 and was deputed at
the eastern boarder of India in the year 1971 but he deserted the Army
whereafter the court martial proceeding was initiated. The petitioner
was dismissed from service on 23.8.1973 and so much so that his
entire records have been destroyed which is apparently clear from the
letter dated 9.5.2015 written by Captain Record Officer for OIC

Record.

Learned counsel for the petitioner submits that in the war, the petitioner was apprehended by the Pakistan Army and he was taken to the Pakistan and, thereafter, remained moving here and there and, in the year 1973, he came to India.

The story that has been advanced by the learned counsel for the petitioner is imaginary, cannot be believed so much so the petitioner has approached this Court after a lapse of long period of time.

This writ application is not maintainable and is dismissed on account of delay and laches.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.5.2016
Transmission Date	