

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1281 of 2013
IN
Civil Writ Jurisdiction Case No. 8508 of 2008**

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Kunti Devi W/O No. 71599056 Ex. Constable Late Shyam Sundar Pandey Of 72 Bm B.S.F. Resident Of Village- Damodarpur, P.O.- Baijalpur, Sonapur, P.S.- Sonapur, District- Chapra

.... Appellant

Versus

1. The Union of India through Directorate General, Border Security Force, Block No. 10, 5th Floor, Lgo Complex Lodhi Road (New Delhi) 110003
2. The Deputy Inspector General (Pers) Block No. 10, 5th Floor, Lgo Complex Lodhi Road (New Delhi) 110003
3. The Commandant, 72 Bn., B.S.F. Jaisalrar, Rajasthan
4. The F.I.R. Head-Quarter B.S.F., S.B. Malda, West Bengal
5. The S.H.Q., B.S.F., Malda, West Bengal
6. The 72 Bn. B.S.F., Malda, West Bengal

.... Respondents

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Appearance :

For the Appellant : Mr. Rakesh Kumar Soni, Advocate

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-02-2017

Husband of the appellant was a Constable in Border Security Force. He came to be dismissed from service on 01.03.1989 after due proceeding held against him. He died on 04.05.2000. During the life time of the husband, he never assailed or challenged the order of dismissal. Five years after death, the appellant moved the authorities for reconsideration, which was also rejected and then a second round of writ application.

In the given facts, the learned single Judge did not



interfere with the order of dismissal especially in view of inordinate delay of the cause of action having arisen as well as the correctness and otherwise of the order of dismissal as such.

The submission of the counsel for the appellant that this is more a kind of mercy appeal may sound appealing, but the same may not be entertained keeping in view the legal and factual position.

No interference is warranted with the order of dismissal of the writ dated 12.07.2013.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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