

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4426 of 2009

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Ramashray Singh S/o Late Sidheshwar Singh, resident of village-Ghosrawan, P.S.
Giriak, District, Nalanda

.... Petitioner/s

Versus

The State of Bihar through the District Magistrate, Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate

For the Respondent/s : Mr. Indeshwari Pd. Mandal, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 23-02-2017

Heard both sides.

2. The petitioner seeks quashing of the order dated 22.09.1998 (Annexure-1) passed by the District Magistrate, Nalanda whereby the services of the petitioner have been terminated.

3. The petitioner was working as revenue Karmchari, Hilsa circle, in the district of Nalanda in the year 1991-92. The petitioner was given 11 volumes of rent receipts out of which two volumes of rent receipts were missing and for that the petitioner was given notice. The petitioner was suspended from service for dereliction of duty vide memo No. 1972 dated 14.10.1992. Thereafter, the petitioner was dismissed from service.

4. The petitioner preferred CWJC No. 10571 of 1995 against the order of dismissal and this court vide order dated 30.06.1996 set aside the order of dismissal of the petitioner on the ground that no second show cause notice was given to the petitioner and the matter was remanded. The petitioner again filed CWJC No. 8309 of 1998 for quashing of the entire departmental proceeding but the same was disposed of with a direction to the authority to dispose



of the departmental proceeding. The petitioner came to know about the order of his dismissal dated 22.09.1998 on 11.04.2000.

5. The learned counsel for the petitioner submits that the order, as contained in Annexure-1, was ante dated and the same was never served upon the petitioner. The petitioner was acquitted in the criminal case bearing G.R. No. 24 of 1994, corresponding to Trial No. 1100 of 2003, on 06.01.2004 and thereafter the petitioner filed representations before the District Magistrate, Nalanda (Annexure-3) on 16.03.2004 and before the Chief Secretary, Government of Bihar, Patna (Annexure-4) on 19.07.2004.

6. Having heard the learned counsel for the parties and after going through the impugned order, I find that the petitioner was dismissed from service on 22.09.1998 but the petitioner neither filed any appeal against the order of his dismissal nor moved this court for 11 years. The petitioner filed the writ petition in the year 2009. The petitioner committed gross laches and on this ground alone, I am not inclined to interfere with the impugned order. This writ petition is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

BKS/-

AFR/NAFR	NAFR
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