

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5881 of 2005

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Saraju Singh, son of late Ram Tapasya Singh, resident of Village Barnaon, P.S.
Ayar, District Bhojpur (Bihar)

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Home Department, Govt. of India,
New Delhi.
2. The Director General, C.R.P.F., New Delhi
3. The Inspector General, C.R.P.F., Calcutta
4. The Deputy Inspector General, C.R.P.F., Bhubneshwar (Orissa)
5. The Commandant, 43 Battalion, C.R.P.F., Ita Nagar, Arunachal Pradesh
6. The Enquiry Officer-cum-Deputy Commandant, C.R.P.F., 43 Battalion, Ita
Nagar

.... Respondent/s

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Appearance :

For the Petitioner/s :
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-02-2018

None appear for the parties.

2. On 06.04.2010, the Court had recorded the following
order while dismissing the writ petition for non-prosecution.

*“ No one appears on behalf of the petitioner.
Mr. Ratan Kumar, learned counsel for the
Union of India is present.*

*The petitioner has filed the writ petition for
payment of his post retiral benefits.*



Perusal of the materials on record of the proceedings shows that the petitioner was dismissed from services. The petitioner was attached with the office of the I.G.P, C.R.P.F., Manipur and Nagaland and was dismissed from service. It further appears that the order of the dismissal was challenged by the petitioner before Guwhati High Court and which also after going through the stages was ultimately dismissed.

A counter affidavit has been filed on behalf of the Union of India and in paragraph 7 thereof it is stated that as the petitioner was dismissed from service hence he was not entitled for any pensionary benefits under Rule 24 of the C.C.S.(Pension) Rules 1972. It is thus submitted that the writ petition is devoid of merit and is fit to be dismissed.

As, no body appears on behalf of the petitioner to press this writ petition, it is dismissed for non prosecution.”

3. However, the writ petition was restored by order dated 17.12.2014.

4. In the aforesaid background and taking into account the fact that the Gauhati High Court had dismissed the writ petition filed by the petitioner challenging his dismissal from service, the order having attained finality, the relief claimed for pensionary



benefits becomes untenable in view of his dismissal from service.

Thus, both on merits and the ground of non-prosecution, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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