

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16345 of 2016

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Baikunth Sharma, S/o Late Ram Kalesh Singh, resident of Village- Nanauk, P.S.-
Buniadganj, District- Gaya, at present residing at Mohalla- Lakhibag, P.S.-
Mofassil, District- Gaya.

.... Petitioner/s

Versus

The Municipal Commissioner, Gaya Municipal Corporation, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 31-08-2018

Heard learned counsel for the petitioner and Gaya
Municipal Corporation (hereinafter referred to as the 'Corporation').

2. The petitioner has moved the Court for the following
reliefs:

*“That this writ application is being file in
the nature of writ of mandamus directing the
respondent authority to make pension to the
petitioner and other legal dues and be further
please to issue an appropriate writ or writs, order
or orders, direction or directions as your lordships
may deem fit and proper.”*

3. The petitioner resigned from the post of Jamadar under
the Corporation which was accepted with effect from 23.01.1995, to
contest the Assembly Election. Thereafter, nothing has been brought
on record to indicate that the petitioner ever moved before the
authorities seeking retiral dues but the Gratuity and Leave



Encashment was paid to him on 25.02.2003. Subsequent thereto also, there is nothing to show that the petitioner ever agitated for payment of any further remaining dues and for the first time on 11.04.2015, a petition was filed seeking such benefits.

4. Learned counsel for the Corporation submitted that the writ petition is fit to be dismissed on the ground of delay and laches as the petitioner has been paid his due amounts and even if anything has remained, the claim is stale as for a cause of action in January, 1995, the writ petition has been filed only in September, 2016 i.e., after delay of over 21 ½ years.

5. Having considered the stand taken by learned counsel for the Corporation, the Court finds that the petitioner having been paid the Gratuity and Leave Encashment, has been paid the admissible dues. Further, the Court finds that the objection of learned for the Corporation that the claim is unfit to be considered after more than two decades old, has got substance.

6. For reasons aforesaid, the writ petition stands dismissed on the ground of delay and laches.

(Ahsanuddin Amanullah, J)

P. Kumar

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