

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 14427 of 2014

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Bijay Kumar Jha S/o Late Ram Narayan Jha Resident of Village Baijudih,
P.S. Amarpur, District Banka, Bihar.

... .. Petitioner/s

Versus

1. The Union Of India through its General Manager, East Central Railway,
Vaishali at Hajipur
2. The Inspector General of Police (Rail), Bihar, Patna.
3. The Deputy Inspector General of Police (Rail), Bihar, Patna.
4. The Divisional Railway Manager, Dhanbad.
5. The Superintendent of Police (Rail), Dhanbad.

... .. Respondent/s

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For the Petitioner/s	:	M/s Raunak Kr Singh, Pankaj Kr Sinha, Advocates
For the Respondent/s	:	Mr Anil Singh, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-09-2019

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

2 Learned counsel for the Union of India has raised an
objection that on account of the order being passed by the State
Authorities, the State of Bihar should have been impleaded as a
party respondent as the same was proper and necessary. The
objection on account of misjoinder and non-joinder raised by the
learned counsel for the Union of India is an issue which would
require consideration only if this Court proposes to proceed further
with the issue raised in the writ petition.

3 On 05.11.1990, petitioner was dismissed from service
by order of the Superintendent of Police (Rail). The same was



challenged before the Deputy Inspector General of Police (for brevity (DIG) (Rail), Bihar who has rejected the appeal of the petitioner. The petitioner, thereafter, has approached the Inspector General of Police (for brevity, IG) (Rail), Bihar, Patna and the petitioner's claim for setting aside the dismissal and his reinstatement has been rejected by the IG (Rail), Bihar, Patna on 14.05.1993 (Annexure 9). Thus, the services of the petitioner as a Constable came to an end as the various Appellate or Revisional Authorities had rejected the petitioner's claim challenging the order of dismissal or claiming reinstatement. Rejection by the IG (Rail), Bihar, Patna is dated 14.05.1993. 21 years later, the instant writ proceedings have been instituted. In the writ petition, the petitioner has averred that he had filed repeated representations before the DIG (Rail) and IG , (Rail) which had been rejected. It is, therefore, obvious that there is no explanation for this long lapse of 21 years. The representations, which the petitioner claims to have filed, were before the Authorities who have already rejected the same in the year, 1993 itself. Even details have not been disclosed about the alleged various representations.

4 In the circumstances, no case has been made out for invoking jurisdiction under Article 226 of the Constitution in view



of the delay and laches and the issue having attained finality between the parties under order of the IG (Rail) dated 14.05.1993.

5 This Court would refer to the decision of the Apex Court in the case of State of Uttaranchal & Another -Versus- Shiv Charan Singh Bhandari & Others, (2013) 12 Supreme Court Cases 179.

6 The discretionary remedy under the writ jurisdiction under Article 226 of the Constitution is not for such litigants who sleep over their rights for years together like Rip Van Winkle and awake to approach the remedy as per their own sweet will and convenience. Filing repeated representations before the very same Authorities who have passed the order of punishment of dismissal would not be sufficient to overcome the delay. The claim made in the writ petition is clearly barred by delay and laches and in view of the pronouncement of the Apex Court in the case of Shiv Charan Bhandari (supra) regarding exercise of jurisdiction under Article 226 of the Constitution in respect of such belated claims.

7 Writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	AFR
CAV DATE	NA
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