

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7710 of 2021

Subodh Kumar Singh son of late Bindeshwar Prasad Singh resident of vil-
lage- Chandpura, P.S.- Sahpur Patori, Dist- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Inspector General of Police cum Director General of Police, State of Bi-
har, Sardar Patel Bhawan, Bailey Road, Patna
3. The Additional Inspector General of Police, CID, Bihar, Sardar Patel
Bhawan, Bailey Road, Patna.
4. The Deputy Inspector General of Police, CID, Bihar, Patna
5. The Additional Inspector General of Police, Economic Offence Unit, Bihar,
Patna
6. The State of Jharkhand through the Additional Inspector General of Police,
CID, Jharkhand, Ranchi

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Choudhary
For the Respondent/s : Mr. Lalit Kishore (AG)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 04-03-2022

The matter has been heard *via* video conferencing
due to circumstances prevailing on account of the COVID-19
pandemic.

In the instant petition, petitioner has prayed for the
following relief/reliefs:

*“That this is an application for
the issuance of an appropriate
writ/writs, order/orders or direc-
tion/directions commanding the re-*



spondent concern with direction to make payment of salary from 23.12.2005 to 05.05.2006 total 135 days which has been illegally withheld without any formal order or outcome of any departmental action known to petitioner.

And

Further a direction may also be issued to pay a proper interest upon the abovementioned dues amount with an appropriate cost of the litigation as your Lordships may deem fit and proper in the facts and circumstances of this case.”

The petition is hopelessly barred by limitation and laches. Apex Court, in entertaining writ petition under Article 226, held that one of the principle which is to be examined is delay and laches in the case of ***State of Jammu and Kashmir Vs. R.K. Zalpuri and others reported in AIR 2016 SC 3006***, Paragraph-20, which is held as under:

“20. Having stated thus, it is useful to



refer to a passage from City and Industrial Development Corporation Vs. Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question of facts and whether they can be satisfactorily resolved;

(b) The petition reveals all material facts;

(c) The petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) Person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) Ex facie barred by any laws of limitation;



(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”.

In the light of these facts and circumstances and the grievance of the petitioner is relates back to 23.12.2005 to 05.05.2006, the petitioner is not entitled to relief as he had cause of action on 13.07.2006, the date on which his suspension order was revoked.

Hence, writ petition stands dismissed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.03.2022
Transmission Date	NA

