

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20221 of 2018**

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Kasturi Devi, W/o Late Madan Ram, resident of Village- Naini, P.O.- Dhapna,  
P.S.- Gangoli Hat, District- Pithoragarh (Uttarakhand).

... .. Petitioner/s

Versus

1. The Union of India through the Principal Secretary, Ministry of Home Affairs, Government of India, North Block, New Delhi.
2. The Special Director General, Central Zone, Central Reserve Police Force, Salt Lake, Sector- 3, Kolkata, West Bengal.
3. The Deputy Inspector General of C.R.P.F., Patna, Bihar.
4. The Inspector General, B.S., C.R.P.F., Patna, Bihar.

... .. Respondent/s

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**Appearance :**

|                        |   |                                                                                                     |
|------------------------|---|-----------------------------------------------------------------------------------------------------|
| For the Petitioner     | : | Mr. Rajendra Narayan Singh, Advocate<br>Ms. Suchitra Singh, Advocate<br>Mr. Vivek Vardhan, Advocate |
| For the Union of India | : | Mr. Rakesh Kumar Sinha, Central Govt. Counsel                                                       |

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**  
**Date : 18-11-2022**

**Re: I.A. No.02 of 2022**

In the interlocutory application, bearing I.A. No.02 of 2022, prayer is for substitution of the name of wife of original writ petitioner-Madan Ram, who is stated to have died on 24.03.2021, during pendency of this writ application.

Without any objection, prayer for substitution made in I.A. No.02 of 2022 is allowed.

Let the name of original petitioner's wife, namely, Kasturi Devi be substituted in place of original writ petitioner-Madan Ram after expunging his name from the record.



I.A. No.02 of 2022 stands allowed.

**Re: CWJC No.20221 of 2018**

The original petitioner Madan Ram was posted as Naik in 21<sup>st</sup> Battalion, CRPF, Tinsukia. He stood removed from the services of the CRPF under termination order dated 17.11.1995 passed by the disciplinary authority/Commandant of the Battalion. The original petitioner preferred appeal, which was rejected by order dated 23.02.1996 passed by the DIG, CRPF, Patna. The revision filed by him was also rejected by the revisional authority/I.G, B.S, CRPF, Patna under order dated 08.07.1996.

2. About 18 years after rejection of the revision, i.e., on 26.11.2014, it appears that he had filed a representation before the Home Minister, Government of India, with a request to reinstate him. The same was forwarded to the I.G. of the respondent-Force and put up for consideration before the Special D.G., Central Zone, CRPF, Kolkata. This representation has been rejected on 27.05.2015.

3. In the instant writ application, the termination order dated 17.11.1995, the appellate order dated 23.02.1996, revisional order dated 08.07.1996 have been challenged along with the order passed on the original petitioner's representation dated 27.05.2015.



4. On a query being raised by the Court as to why the writ petition be not considered as being barred by delay and laches, petitioner's counsel submits that the order dated 27.05.2015 passed on the petitioner's representation was assailed before the Uttarakhand High Court. Writ Petition No.2381 of 2017 filed by the petitioner was dismissed by the Uttarakhand High Court on the ground of lack of territorial jurisdiction. The original petitioner, however, was allowed liberty to approach an appropriate forum, in accordance with law. He submits that after passing of the order on the original petitioner's representation, he had approached the Uttarakhand High Court and only after such order passed by the Uttarakhand High Court, he has approached this Court and therefore, there is no delay and laches on his part.

5. From the submission of the petitioner's counsel, it is apparent that the original petitioner is treating rejection of his representation under order dated 27.05.2015 to be a fresh cause of action. The stand of the petitioner is clearly untenable. The order passed on the original petitioner's representation in the year 2015 cannot furnish a fresh cause of action to the petitioner for reviving the otherwise stale and dead issue, which was concluded under the orders passed by the disciplinary authority on 17.11.1995, appellate authority on 23.02.1996 and revisional authority on



08.07.1996 i.e., nearly 19 years prior to the order dated 27.05.2015 passed on the original petitioner's representation. It is apparent from the order dated 27.05.2015 itself that the order has been passed on the representation merely because it has been forwarded through the Hon'ble Home Minister, Government of India to the authority.

6. The issue in the writ proceedings being the termination, attained finality and was decided *inter partes*. Lastly, when the revision of the original petitioner was rejected by the revisional authority on 08.07.1996, this order is the last order constituting the original cause of action with reference to the petitioner's termination.

7. The issue of delay and laches therefore has to be considered with reference to the original cause of action. Filing of subsequent representation on 26.11.2014 and the order passed on the representation dated 27.05.2015 cannot constitute a cause of action for considering the issue of delay and laches. In this connection, this Court would consider it appropriate to refer to decision of the Apex Court in the case of ***Union of India v. C.Girija***, reported in ***(2019) 15 SCC 633***, wherein the Hon'ble Apex Court, after taking into consideration various earlier decisions in the case of ***C. Jacob v. Director of Geology and***



*Mining*, reported in *(2008) 10 SCC 115*, in the case of *Union of India v. M.K. Sarkar*, reported in *(2010) 2 SCC 59*, in the case of *State of Uttaranchal v. Shiv Charan Singh Bhandari*, reported in *(2013) 12 SCC 179*, in the case of *P.S. Sadasivaswamy v. State of T.N.*, reported in *(1975) 1 SCC 152*, has held that once the issue has become stale, filing of representation will not give any fresh cause of action on the basis of the reply to the belated representation.

8. This Court, therefore, would find that the instant writ petition is barred by delay and laches and is dismissed.

**(Madhuresh Prasad, J)**

PNM

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