

27.02.2023
DL-42
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 6481 of 2021

Amar Das
Vs.
The State of West Bengal & Ors.

Mr. Arka Bhattacharya
....for the petitioner.

Mr. Susanta Pal,
Mr. Subhendu Sengupta
....for the State.

The petitioner's grievance is that he was disengaged from service with effect from February 2015 without any reason or opportunity of hearing. The petitioner was engaged as Civil Police Volunteer sometime in or about February, 2013.

Mr. Bhattacharya, learned counsel appearing on behalf of the petitioner submits that the petitioner was unable to approach this Hon'ble Court earlier due to difficulties faced by him and also due to Covid pandemic.

Mr. Pal, learned counsel appearing on behalf of the State authorities submits that the writ petition is not maintainable due to delay and laches. He relies on an order passed by a Coordinate Bench in WPA 4459 of 2021 (**Hafijul Islam Vs. State of West Bengal & Ors.**) in support of his contention.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the writ petition is barred by inordinate delay and laches on the part of the petitioner. The petitioner was disengaged in February, 2015 and has filed the writ petition in 2021, after six years of his disengagement. Furthermore, the argument made on behalf of the petitioner that he faced difficulty due to Covid pandemic also cannot be accepted since the said pandemic hit India in March, 2020.

This Court is unable to accept the contention of the petitioner that a Coordinate Bench in WPA 460 (W) of 2016 (**Rajesh Chowdhury and others Vs. The State of West Bengal and others**) accepted the contention of the petitioners similarly placed and condoned the delay since in that case the petitioners were disengaged in February, 2015 and agitated their grievances within one year in January, 2016.

In the light of the discussions above, **WPA 6481 of 2021 is dismissed.**

Since no affidavits have been directed to be exchanged in the writ petition, all the allegations contained therein are deemed not to have been admitted by the respondents.

All parties shall act on the server copies of this order duly downloaded from the official *Website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)