

S/L 14
25.9.2023
Court No.26
SD

WPA 8552 of 2019

Devendra Maharaj
Vs.
Union of India & Ors.

Mr. K.K. Maiti

...for the Petitioner.

Mrs. Hasi Saha

...for the Union of India.

Mr. Soumik Ghosh

...for the Respondent Nos.2 & 3.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondent authorities in granting VRS and other benefit that emerged from a scheme that came out by the Corporation in the year 2005.

The factual matrix of the case is that the jute mill had been closed for some time and the writ petitioner left the jute mill in the year 2000 without informing the management of the jute mill. Subsequently, in the year 2005 VRS scheme was introduced by the Corporation wherein the persons who were working in the jute mill, claimed VRS within a period of 30 days. The intending person who claimed VRS got entire financial benefit along with other allowances upon furnishing application under this scheme. It is evident that the petitioner was obviously working some other place and thus was not entitled to get benefit of such scheme.

It is noted that the petitioner has moved this writ petition in the year 2019 for seeking relief in this matter.

It is trite law that the Limitation Act does not specifically apply to writ petitions. However, Courts in their wisdom, have always held that any litigant must approach this Court within a reasonable time and in the case of writ petitions, the reasonable time has been interpreted by different courts to be three years.

This Court finds that this matter is inexorably outside the period of limitation as the petitioner has approached this Court after 14 years of coming out of the VRS scheme. If at all, the petitioner had to approach this Court, he had to do so by the year 2008. Accordingly, he is 11 years too late and this writ petition cannot be entertained on this ground.

Upon merits, one need not comment, but it is to be noted that at the time the VRS scheme was introduced, this petitioner was no longer working in the same jute mill.

With these above observations, this writ petition is dismissed.

Keeping in mind the pecuniary circumstances of the petitioner, this Court does not impose any costs on him.

All parties are to act on the website copy of this order.

(Shekhar B. Saraf, J.)