

08.09.2023

53

ss

W.P.A. 18242 of 2019

Amit Kumar Bal

Vs.

The State of West Bengal & ors.

Mr. Sandipan Banerjee

Mr. Pinaki Ranjan Chakraborti

... for the petitioner

Mr. Sujit Sankar Koley

... for the D.P.L.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner prays for a writ of mandamus upon the respondent authorities with regard to payment of arrear promotional and financial benefits together with 18% compound interest on the basis of being a Scheduled Caste candidate.

The contention of the petitioner is that even though he has submitted the Scheduled Caste certificate subsequent to joining the employment of the respondent-company, he is not being given the said benefit.

It is to be noted that he joined the service in the year 1991 and continued to be in service. He has filed the present writ petition after 18 years of his joining and after 18 years of producing the caste certificate.

This writ petition does not disclose any reason for such delay in filing of the writ petition. Furthermore,

from perusal of the documents it appears that in the application form submitted by the petitioner and also in the declaration submitted by the petitioner, he has not declared himself to be a Scheduled Caste person. In fact, in the declaration form he has specifically written 'no'. It is further more seen that the certificate he has produced in the year 1991 which was not in his possession at the time of entry into the job which he had got as a compassionate appointment. It is further noted that his father who worked with the respondent-company and died-in-harness had never claimed the benefit of being Scheduled Caste.

Upon hearing learned Counsel for the parties and perusing the materials on record, I am of the view that this petition firstly is not maintainable as there is inordinate delay of over 15 years in filing of the same as the cause of action would have arisen in the year 1991 and the normal limitation period for filing a writ petition from the date of cause of action is three years. Even if this Court is of the view that the delay may be condoned, the facts of the present case do not support the contention of the petitioner and as clearly seen from the preceding paragraph, is contrary to the submission of the petitioner. The fact is the petitioner never claimed to be a Scheduled Caste in his application nor in the declaration form and thereafter submitted a certificate

that was issued prior to his joining to the respondent-company. In addition to the fact that his father never claimed to be a Scheduled Caste clearly indicates that the document that has been produced by the petitioner is concocted document that has been produced as an afterthought to obtain undue advantage from the respondent-company.

With the above observations, this writ petition is dismissed. No order as to costs.

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

(Shekhar B. Saraf, J.)