

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16694 of 2024

Ashok Kumar, S/O Late Ram Bahadur Singh, R/O Village Aauta, P.O. Mokamah Ghat, P.S. Hathdash, District Patna (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Department of Home, Govt. of India.
2. The Director General of Central Reserve Police Force (CRPF), Govt. of India.
3. The Inspector General of Central Reserve Police Force (CRPF), Govt of India- Bihar - Jharkhand Range.
4. Deputy Inspector General of Central Reserve Police Force (CRPF), Govt. of India - Bihar - Jharkhand.
5. The Commandant, Central Reserve Police Force (CRPF), Govt. of India, Bihar Sector.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amarjyoti Sharma, Advocate
For the Union of India : Mr. Alok Kumar, CGC

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-10-2024 Heard Mr. Amarjyoti Sharma, learned Advocate for the petitioner and Mr. Alok Kumar, learned Advocate for the Union of India.

2. The petitioner is aggrieved by the order dated 08.10.1998, by which the petitioner has been inflicted with the punishment of withholding of two increments under Rule 27 of the CRPF, 1955 with cumulative effect.

3. The petitioner also sought quashing of the order dated 02.03.2000, whereby the revision application of the petitioner against the order of punishment also came to be rejected.



4. Learned Advocate for the petitioner after narrating the averments made in the writ petition has submitted that the petitioner was holding the post of constable. On account of trivial charges, the petitioner was inflicted with the punishment of withholding of two increments, which causes serious prejudice to the right and entitlement as also slashing down the pension and the pensionary benefits. Though the petitioner preferred revision against the order of punishment, but the same also came to be rejected.

5. Since the petitioner was a small fry in the CRPF, he never even embolden to approach before this Court. Upon being superannuated, now the petitioner assailed the impugned order.

6. Learned Advocate for the Union of India countering the afore-noted submission contended that the writ petition is preferred after 26 years and thus, fit to be dismissed on account of gross delay and latches.

7. Well settled it is that, a belated claim will be rejected on the ground of delay and latches where remedy is sought by filing a writ petition. This Court deems it apt to quote the relevant paragraph of the decision of the Hon'ble Apex Court in the case of ***Mrinmoy Maity vs. Chhanda Koley & Ors., 2024 SCC online SC 551*** as follows:-

“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ



petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends



upon the facts that it has to travel or the terrain in which the facts have travelled”.

8. Considering the submissions advanced on behalf of the parties and after perusing of the record, this Court finds there is no explanation, *per se*, warranting any interference, accordingly the writ petition stands dismissed.

(Harish Kumar, J)

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