

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.456 of 2024

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Bikash Kumar Son of Late Ranjeet Prasad, resident of Village- Barabigha,
P.S- Noorsarai, District Nalanda at Biharsharif..

... .. Petitioner/s

Versus

1. The Employees State Insurance Corporation through the Director General, Employees State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi-110002.
2. The Joint Director (Recruitment), Employees State Insurance Corporation, Panchdeep Bhawan, CIG Road, New Delhi-110002.
3. The Additional Commissioner and the Regional Director, Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, Ashram Road, Ahmedabad (Gujrat)- 380014.
4. The Regional Director, Employees State Insurance Corporation, Regional Officer, Panchadeep Bhawan, Ashram Road, Ahmedabad (Gujrat)-380014.
5. The Deputy Director, Employees State Insurance Corporation, Regional Officer, Panchadeep Bhawan, Ashram Road, Ahmedabad (Gujrat) -380014.
6. The Joint Director I/C, Employees State Insurance Corporation, Sub-Regional Office, ESI Corporation, Surat 395001.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Sudhir Kumar Bijpuria, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

4 19-03-2024 With the consent of the respective counsels for the parties the matter is taken up for final disposal.

2. Petitioner has assailed the order of the CAT Patna Bench, Patna dated 01.08.2019 filed in O.A. No. 050/00702/2018.

3. The petitioner was a candidate for recruitment to



the post of Multi Tasking Staff. He was selected and appointed. Thereafter, official-respondents have noticed that petitioner is alleged to have been involved in impersonation. The same was taken note of and proceeded to hold enquiry and terminated the petitioner's service and it was subject matter of litigation before CAT Patna Bench, Patna and it was rejected on 01.08.2019, hence, the present petition.

4. Learned counsel for the petitioner submitted that the latches could not be a hurdle for deciding the present decision on merit. He further submitted that identical matter were allowed by this Court and it was affirmed by the Hon'ble Supreme Court taking note of judicial pronouncement. The petitioner has presented this petition and in para 36 he has stated as under :-

“That it is stated that though within one year of rejection of original application by CAT Bench, the writ petition has to be filed before the Hon'ble Court but it is being filed belatedly only under special circumstance when writ petition of similarly situated employee who were also removed/terminated by the Corporation on the same ground, their writ petition has been allowed, SLP filed against that order has been dismissed and thereafter they were inducted in service, this gives a ray of hope to the petitioner for seeking judicial interference in the order passed by learned CAT Bench, Patna. In this view of the matter, present petition is filed in quench of justice.”



5. Sufficient cause has not been shown so as to overcome the latches on the part of the petitioner. In so far as questioning the order dated 01.08.2019 in the month of October, 2023.

6. Respondent has relied on order passed on CWJC No. 5112 of 2020 (*Union of India and Ors. vs. Shri Munna Kumar and Anr.*) decided on 16.11.2022. The said decision supports the respondents version.

7. Accordingly, the present writ petition No. 456 of 2024 stands dismissed on the ground of latches.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Sudha/Alok-

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