

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2511 of 2024

Mukesh Kumar Son of Manoj Prasad Sah, resident of Cementry Road,
Jamalpur, Naya Gaon, P.S. Jamalpur, District - Munger.

... .. 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, Ahmadabad (Gujarat)- 380014.
4. The Regional Director, Employees State Insurance Corporation, Regional Office, Panchdeep Bhawan, Ashram Road, Ahmadabad (Gujarat)-380014.
5. The Deputy Director, Employees State Insurance Corporation, Regional Officer, Panchadeep Bhawan, Ashram Road, Ahmadabad (Gujarat)- 380014.
6. The Joint Director I/C, Employees State Insurance Corporation, Sub-Regional Office, ESI Hospital Campus, Civil Char Rasta, Surat (Gujarat) 395001.
7. The Medical Superintendent, Employees State Insurance Corporation Model Hospital, Bapu Nagar, Ahmedabad- 380024.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Respondent/s : Mr.Dhananjay Kumar Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 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.



050/00554/2018.

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 32 and 33 he has stated as under :-

“32. That it would be relevant to state that some of similarly situated persons whose services were terminated by the respondents on the basis of CFSL report and alleging about impersonation, approached Hon'ble CAT Bench, Patna and after dismissal of their original application, he approached the



Hon'ble Patna High Court by filing CWJC No. 23977/2019 and CWJC No. 22790/2019 respectively and vide order dated 06.02.2023 Hon'ble Division Bench has allowed the writ petitions, directed the respondents to pay all monetary benefits to the petitioner from the date of their dismissal till the date of order, as if he has never been terminated from service, as a corollary it means that those petitioners were never out of service.

33. That it is stated that against order dated 06.02.2023 passed in CWJC No. 23977 of 2019 the corporation filed SLP (Civil) Diary No. 23895 of 2023 which was heard and dismissed on 24.07.2023 by Hon'ble Supreme Court of India."

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. 2511 of 2024 stands dismissed on the ground of laches.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

alok/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	22.03.2024.
Transmission Date	N/A

