

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1593 of 2019

In
Civil Writ Jurisdiction Case No.10700 of 2013

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Nageshwar Prasad Singh Son of Late Giro Rai Resident of Village - Inthari,
Police Station - Naya Ram Nagar, District - Munger.

... .. Appellant/s

Versus

1. The Union of India Through the Director General, Railway Protection Force, New Delhi.
2. The Chief Security Commissioner Railway Protection Force, E.C. Railway , Hajipur, District Vaishali.
3. The Divisional Security Commissioner Railway Police Force, Danapur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ram Vinay Pd. Singh (Sanjay)
For the Union of India : Mr.Alok Kumar, CGC

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

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

Date : 08-08-2024

The Appellant has assailed the order of the learned single judge dated 05.11.2019 passed in CWJC No.10700 of 2013. The Appellant-Nageshwar Prasad Singh while working as a Constable in the Railway Protection Force, he was subjected to disciplinary proceedings for remaining unauthorized absence. Departmental inquiry was concluded in imposition of penalty of removal from service on 18.03.1994 by the Divisional Secretary Commissioner of the Force at Danapur. Feeling aggrieved and dissatisfied with the order of removal, he had invoked remedy of appeal before the appellate authority-Divisional Chief Secretary Commissioner who had rejected the appellant's appeal on 18.09.1995. Thereafter,



appellant slept over the matter till 2013. There is delay of about more than 18 years. The learned Single Judge has dismissed on the maintainability.

2. Hon’ble Supreme Court in the case of *State of Jammu and Kashmir Vs. R.K. Zalpuri and Ors.* reported in *AIR 2016 Supreme Court 3006* (para no. 20) and also in the case of *Mrinmoy Maity Vs. Chhanda Koley and others* reported in *2024 SCC Online SC 551* (para nos. 10 to 14) held that writ court is required to examine delay and laches before entertaining a writ petition. The principle laid down in the aforementioned decision holds good in the present appeal. Accordingly, the LPA stands dismissed while affirming the order of the learned Single Judge dated 05.11.2019 passed in CWJC No. 10700 of 2013.

3. Pending I.A.(s) , if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

AFR/NAFR	NAFR
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