

23.04.2024.
Court No. 13
Item No. 30
ap

W.P.A. No. 318 of 2024

**Ganesh Prasad Singh
Versus
Union of India & Ors.**

Mr. Rajarshi Basu,
Mr. Lal Mohan Mahato,
Mr. Probal Sarkar.

...For the petitioner.

Mr. Asok Kumar Chakraborti, ld. ASG,
Mr. Pinaki Ranjan Chakraborti.

...For the UOI.

1. Affidavit-of-service filed in Court today be taken on record.
2. The petitioner was a Constable of Border Security Force. He was terminated from service pursuant to the disciplinary proceedings initiated on 8th October, 1994. The petitioner preferred an appeal against the order of dismissal, which was disposed of on 1st October, 2003.
3. The petitioner had taken out proceedings earlier challenging the order of dismissal and the order of the Appellate Authority in C.W.J.C. No. 4229 of 1995 before the High Court of Judicature at Patna, which was transferred to this Court being C.O. No. 20025 (W) of 1995.
4. The said writ petition was disposed of by a Co-ordinate Bench of this Court on 17th July, 2003 directing the Appellate Authority to reconsider the appeal of the petitioner. The writ petitioner thereafter

waited until the year 2019 and filed a writ petition being W.P. No. 19431 (W) of 2019 and that was also disposed of by a Co-ordinate Bench of this Court by an order dated 7th November, 2019.

5. By the said order, the respondents were directed to act in terms of the earlier order dated 17th July, 2003 passed in C.O. No. 20025 (W) of 1995.

6. In reply thereto, the order dated 1st October, 2003 disposing of the petitioner's statutory appeal in terms of the order dated 17th July, 2003 (supra) was communicated to the petitioner.

7. The petitioner contends across the bar through his Counsel that he has not received any copy of the said order prior to 2019.

8. The averments in the writ petition, however, are to the contrary. The petitioner only seeks release of his terminal benefits.

9. Learned Additional Solicitor General, Mr. Asok Kumar Chakraborti has placed a letter dated 11th November, 1994 addressed to the petitioner by the DC/DDO, 6th Battalion, BSF asking him to submit documents and forms for release of payable terminal benefits. The petitioner has not done so.

10. In view of the above, this Court permits the petitioner to approach the respondents and file all necessary documents and fill in necessary forms for release of applicable terminal benefits to the petitioner.

11. The aforesaid order is passed despite inordinate and unexplained delay in approaching the respondents for release of terminal benefits.

12. A prayer is made across the bar by the learned Counsel of the petitioner for leave to challenge the order of the disciplinary authority and appellate authority. Such prayer is considered and declined in view of the inordinate delay.

13. With the aforesaid directions, the instant writ petition shall stand disposed of.

14. There will be no order as to costs.

15. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)