

09.07.2024
Court No.13
Item No.244
AP

WPA 12001 of 2019
With
IA NO: CAN 1 of 2022 (not found in the file)

Dipak Kumar Karmakar
Vs.
State of West Bengal and Ors.

Mr. Bhagbat Chaudhuri
Mr. Monojit Chatterjee

... For the Petitioner.

Mr. Mrinal Kanti Ghosh
Mr. Kartik Chandra Kapas

... For the State.

1. The petitioner participated in the recruitment process for the year 2003 and obtained an order in the year 2005 from this Court in WP 2692 (W) of 2003 for issuance of a letter of appointment. Contempt proceedings ensued thereafter and the petitioner was appointed in the year 2011. He retired from service in the year 2022 and is drawing pension. The petitioner wants his length of service to be reckoned from 2005 and not from 2011.

2. This Court notices that the prayer of the petitioner is barred by the principle of waiver acquiescence estoppel. The petitioner joined service knowing fully well that his length of service would commence from the year 2011. He chose to wait for nine years and file the instant writ petition in the year 2019.

3. In the above circumstances, no relief can be granted to the writ petitioner.

4. Hence, the writ petition fails and hereby dismissed.

5. In view of the dismissal of the main writ petition, connected applications, if any, shall also stand dismissed.

6. There shall be no order as to costs.

7. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)