

02.05.2024
Court No.13
Item No.54
AP

WPA 28827 of 2023

**Mukul Chandra Bera
Vs.
Union of India and Ors.**

Mr. Sukumar Ghosh
Ms. Moumita Ghosh

... For the Petitioner.

Mr. Swapan Kumar Nandi
Ms. Sayani Roy Chowdhury

... For the Union of India.

Ms. Sanjukta Dutta
Mr. Ranit Roy

... For the HFCL.

1. The writ petitioner voluntarily retired from the service of Hindustan Fertilizer Corporation Ltd. in the year 2003. He was paid his terminal dues immediately thereafter. The petitioner approached the respondents 10 years later for the first time on 27th May, 2014 claiming higher amounts under the VRS scheme.

2. The writ petitioner's request was declined on 3rd June, 2014. The petitioner remained silent thereafter for four years and made a further representation on 2nd November, 2018. The respondents relied to such application on 1st August, 2019 reiterating that no sums are due and payable to the petitioner. The petitioner thereafter made a further claim on 19th August, 2019 praying a sum of Rs.12 crores 22 lacks as his dues.

3. Thereafter, the petitioner made an application to the Secretary, Ministry of Chemicals & Fertilizers. In the

meantime the petitioner had filed WPA 11245 of 2020 that was dismissed as withdrawn and liberty was given to the petitioner to file afresh on the self-same cause of action.

4. It is clear and evident to this Court that the petitioner can at best be considered as speculator. A belated claim raised nearly 20 years after receiving dues from the respondents cannot be entertained.

5. The writ petition is hopelessly barred by delay and laches apart from the fact that the petitioner's claim is wholly speculative and ill advised.

6. With the aforesaid directions, the writ petition is dismissed.

7. There shall be no order as to costs.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)