IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.790 of 2026
(CNR: JHHC010346472025)

Jharkhand Krantikari Mazdoor Union through its General Secretary, D.C. Gohai @ D.C. Gohain, aged about 67 years, son of Late K.D. Gohai, having its registered office at Qr. No.1587, Street-38, Sector-9/D, Bokaro Steel City, P.O. and P.S. Bokaro Steel City, District Bokaro, Jharkhand

... ... Petitioner

Versus

1. Bokaro Power Supply Co. (Ltd.) having its office at Hall No.M-01, Old Administrative Building, Ispat Bhawan, Bokaro Steel City, P.O. and P.S. Bokaro Steel City, District Bokaro-827001 (Jharkhand) through its Chief Executive Officer
2. The State of Jharkhand through its Secretary of Labour, Employment & Training Department, having its office at Nepal House, Doranda, P.O. and P.S. Doranda, District Ranchi, Jharkhand

… … ... Opp. Parties

CORAM: HON'BLE MR. JUSTICE RAM SHARMA

For the Petitioner : Mr. Rama Kant Tiwari, Adv.
For the Opp. Parties :

10/Dated: 25.11.2026

1. Heard Mr. Rama Kant Tiwari, learned counsel appearing for the petitioner.

2. The present Civil Miscellaneous Petition has been filed for restoration of W.P.(L) No.269 of 2020 to its original file which was dismissed for default on 18.07.2022 due to non-compliance of order dated 04.07.2022 passed by the Co-ordinate Bench of this Court.

3. It has been submitted by the learned counsel for the petitioner that vide order dated 04.07.2022, the Coordinate Bench of this Court had granted two weeks' time to remove the surviving defects as pointed out by the office but the defects could not be removed within the given time, as neither the petitioner nor his counsel was aware of the said order due to the non-appearance of counsel on that date on account of injuries sustained by him in a bus accident on 23.03.2022. It has been further submitted that when the

General Secretary, namely, D.C. Gohai, came to this Court to enquire about the status of the case, he came to know that W.P. (L) No. 269 of 2020 had already been dismissed for default on 18.07.2022 due to non-compliance of the order dated 04.07.2022, and therefore, learned counsel for the petitioner prayed for restoration of the said writ petition to its original file.

4. I have heard learned counsel for the petitioner and also carefully examined the record.

5. On perusal of the record, it appears that the W.P.(L) No.269 of 2020 was filed on behalf of the petitioner under Article 226 of the Constitution of India on 24.01.2020. As per the stamp reporting dated 01.02.2020, the petitioner was to remove 12 defects. However, defect Nos.1 to 5 and 11 were removed up till 12.02.2020. Thereafter the matter was listed before the Lawazima Board on 12.02.2020 where two weeks' time was granted to remove the defects but the same were not removed.

6. Thereafter, the matter was listed before the Lawazima Board of Registrar General on 03.12.2021, wherein learned counsel for the petitioner was permitted to remove the surviving defects in course of the day but in vain.

7. Thereafter, the matter was listed before the Bench on 16.06.2022 and further two weeks' time was granted to remove the surviving defects. Again, the matter was listed on 04.07.2022 and on that date neither the defects were removed nor anybody appeared on behalf of the petitioner. However, further two weeks' time was granted to remove the defects.

8. Since the order dated 04.07.2022 was not complied within the preemptory time granted by the Court, hence, the writ petition was dismissed for default on 18.07.2022.

9. It is not in dispute that the W.P.(L) No.269 of 2020 was filed on 24.01.2020. Thereafter, 12 defects were pointed out by the office. However, in spite of several opportunity granted by the Court, only few defects were removed.

10. The sole plea taken by the learned counsel for the petitioner is that neither the petitioner nor his counsel was aware about passing of the order dated 04.07.2022 as the learned counsel met with an accident on 23.02.2022 but no F.I.R. or copy of Sanha is annexed with the petition showing that the learned counsel for the petitioner met with an accident on the alleged date. Moreover, no copy of any medical prescription or X-ray Report etc. is placed on record in support of his contention. It is also not clear as to when he recovered from his injuries and what steps were taken by him to inquire about the status of the case. It would not be out of place to mention here that the time was granted to the petitioner in Lawazima Board on the request of learned counsel for the petitioner but despite that the defects were not removed, which shows that the petitioner was negligent not only in pursuing his case but also for filing of the present Civil Miscellaneous Petition for restoration, which has been filed after more than two years i.e. after 26 months. Moreover, no valid explanation has been furnished as to why the petitioner or his counsel approach this Court within a reasonable time. A party seeking the intervention and the aids of this Court under Article 226 of the Constitution should exercise due diligence and approach this Court within a reasonable time and if there has been inaction, negligence or latches on his part, the Court has the discretion to deny his relief.

11. In the case of **Kajaru Munda Vrs. Central Coalfield Limited** reported in **2022 (2) JBCJ 213**, it is held by this Court that “thus it is evident

that sufficient cause means that the party should not have acted in a negligent manner or there was a want of bona fide on its part in view of the facts and circumstances of the case or it cannot be alleged that the party has not acted deliberately or remained inactive. The applicant must satisfy the Court that he was prevented by any sufficient cause from prosecuting his case, and unless his satisfactory explanation is furnished, the Court should not allow the application."

12. In the case of **R. S. Makashi and others Vrs. I. M. Menon and others** reported in **AIR 1982 Supreme Court 101**, the Hon'ble Apex Court observed as under:-

> 27. The view expressed by the learned single Judge of the High Court that a writ petition filed under, Art. 226 of the Constitution, seeking redress on the ground of alleged infringement of fundamental rights cannot be dismissed by the Court on the ground of laches, under any circumstances, is inconsistent with the pronouncement of this Court on the subject and cannot be accepted as correct or sound.
> 28. In Tilokchand Motichand v. H.B. Munshi, (1962) 2 SCR 824 at pp. 835, 836, 853-855: (AIR 1970 SC 898 at pp. 914, 915, 916), this Court had occasion to deal with a contention that the right to move the Supreme Court under Art. 32 of the Constitution, being a fundamental right, a writ petition filed in the Supreme Court under the said provision cannot be dismissed on the ground of delay or laches, since such a course would amount to a denial of a fundamental right. Repelling the said argument, Mitter, J. Observed thus:
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> "I cannot however find any merit in the contention that because there is an invasion of a fundamental right of a citizen he can be allowed to come to this Court, no matter how long after the infraction of his right he applies for relief. The Constitution is silent on this point; nor is there any statute of limitation expressly applicable, but nevertheless, on grounds of public policy I would hold that this Court should not lend its aid to a litigant even under Article 32 of the Constitution in case of an inordinate delay in asking for relief and the question of delay ought normally to be measured by the periods fixed for the institution of suits under the Limitation Acts.

The Limitation Acts do not in terms apply to claims against the State in respect of violation of fundamental rights. A person complaining of infraction of any such rights has one of three courses open to him. He can either make an application under Article 226 of the Constitution to a High Court or he can make an application to this Court under Art. 32 of the Constitution, or he can file a suit asking for appropriate reliefs.

The decisions of various High Courts in India have firmly laid down that in the matter of the issue of a writ under Art. 226 the Courts have a discretion and may in suitable cases refuse to give relief to the person approaching it even though on the merits the applicant has a substantial complaint as regards violation of fundamental rights. Although the Limitation Act does not apply, the Courts have refused to give relief in cases of long or unreasonable delay. As noted above in Bhailal Bhai's case, (1964) 6 SCR 261 : (AIR 1964 SC 1006), it was observed that the "maximum period fixed by the legislature as the time within which, the relief by a suit in a Civil Court must be brought may ordinarily be taken to-be a reasonable standard by which delay in seeking remedy under Art. 226 can be measured". On the question of delay, we see no reason to hold that a different test ought to be applied when a party comes to this Court under Art. 32 from one applicable to applications under Art. 226.

In my view, a claim based on the infraction of fundamental rights ought not to be entertained if made beyond the period fixed by the Limitation Act for the enforcement of the right by way of suit. While not holding that the Limitation Act applies in terms, I am of the view that ordinarily the period fixed by the Limitation Act should be taken to be a true measure of the time within which a person can be allowed to raise a plea successfully under Art. 32 of the Constitution."

To the same effect are the following observations of Sikri, J. in his separate judgment in the same case: (at p. 904 of AIR) :

"A delay of 12 years or 6 would make a strange bed-fellow with a direction or order or writ in, the nature of mandamus, certiorari and prohibition. Bearing in mind the history of these writs I cannot believe that the Constituent Assembly had the intention that five Judges of this Court should sit together to enforce a fundamental right at the instance of a person, who had without any reasonable explanation slept over his rights for 6 or 12 years. The history of these writs both in England and the U.S.A. convinces me that the underlying idea of the Constitution was to provide an expeditious and authoritative remedy against the inroads of the State. If a claim is barred under the Limitation Act,

unless there are exceptional circumstances, prima facie it is a stale claim and should not be entertained by this Court. But even if it is not barred under the Indian Limitation Act, it may not be entertained by this Court if on the facts of the case there is unreasonable delay.

13. Since, the petitioner has failed to cite any sufficient cause for filling the instant application within a reasonable time and as such, I am not inclined to entertain the present Civil Miscellaneous Petition.

14. Accordingly, the instant Civil Miscellaneous Petition stands dismissed.

(Ram Sharma, J.)

Dated-25.11.2026
Shahid/
Uploaded on 26.11.2026