

(2002) 08 PAT CK 0016
In the Patna High Court
Case No : C.W.J.C. No. 8743 of 2001

Dilip Sah and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 19-08-2002

Acts Referred:

Citation : (2002) 3 PLJR 791

Hon'ble Judges : Chandramauli Kr. Prasad, J

Bench : Single Bench

Advocate : Barun Kumar Choudhary and Ajat Shatru, for the Appellant; V.N. Sinha and S.C. Jha, for the Respondent

Final Decision : Dismissed

Judgement

Chandramauli Kr. Prasad, J.—In this writ application prayer made by the Petitioners is to direct the Respondents to regularise their services to the posts of Peon, a class IV service.

2. It is the stand of the Petitioners that by memo No. 321 dated 1.4.1984 (Annexure-1) they were appointed to the posts of Peon on daily wages. In support of their claim they have also placed on record Letter No. 95 dated 23.1.2001 (Annexure-3) which states that the Petitioners are working as daily wage employees. They have also placed on record Letter No. 360 dated 16.2.1999 (Annexure-5) in which the Chief Engineer is purported to have recommended to the State Government for regularisation of services of the Petitioners.

3. Counter affidavit has been filed on behalf of the Respondents and they have categorically stated that letter of appointment (Annexure-1), letter dated 23.1.2001 (Annexure-3) and letter dated 16.2.1999 (Annexure-5) are forged documents. Copy of the counter affidavit was served on the Counsel for the Petitioners on 5.4.2002. Thereafter the matter was taken up on 11.4.2002 and at the request of the learned Counsel for the Petitioners four weeks" time was

granted to file reply to the counter affidavit. No counter affidavit has been filed.

4. Today when the matter is taken up, counsel for the Petitioners again prays for time. Sufficient time has already been granted to the Petitioners and I am not inclined to adjourn the case further.

5. Thereafter Counsel for the Petitioners prays for withdrawal of this application. I am not inclined to accede to this prayer also. This Court will not permit the litigants to obtain orders by placing forged document and thwart every attempt to get away from their prosecution after it is detected by according permission to withdraw the application. This would be destructive to the rule of law. The sheet anchor of the Petitioners' case is letter of appointment dated 1.4.1984, letter dated 23.1.2001 (Annexure-3) and the recommendation purportedly made by the Chief Engineer on 16.2.1999 (Annexure-5) for regularisation of the services of the Petitioners. Respondents in the counter affidavit have categorically stated that those documents are forged. In spite of opportunity given to the Petitioners to file reply to the counter affidavit, no reply has been filed. In that view of the matter, assertion made by the Respondents in the counter affidavit that the Annexures (Annexures-1, 3 and 5) filed in the writ application are forged has to be accepted. Thus the Petitioners tried to deflect the course of justice by producing forged documents. This not only disentitles the Petitioners their relief claimed but obliges this Court to direct the prosecution so that other litigants may not venture to obtain orders from this Court by producing forged documents.

6. Let the Registrar General launch prosecution of the Petitioners in accordance with law.

7. Application stands dismissed with the aforesaid direction.