
(2018) 05 JH CK 0081

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6191 of 2013

Kamla Prasad Sah

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 18-05-2018

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2018) 05 JH CK 0081

Hon'ble Judges : PRAMATH PATNAIK, J

Bench : Single Bench

Advocate : K.K. Ojha, Rakesh Kumar, Rajesh Kumar Singh

Final Decision : Dismissed

Judgement

Pramath Patnaik, J

1. Before advertizing to proceeding in this case, it would be necessary to mention that during pendency of the writ application, the petitioner submitted a

representation through Speed Post to this Court praying therein for grant of his payment and for stoppage of payment of the Officers of the

Department concerned for their inaction. The said

representation has been though tagged with the record, but, it is advised to learned counsel for the petitioner to take care such things as when the

matter is under consideration before Judicial side such correspondences are deprecated. But, considering the age of the petitioner, who is approaching

octogenarian and undertaking given by learned counsel for the petitioner, no order is passed or cost is imposed.

2. In the instant writ application, the petitioner has inter alia prayed for direction upon the respondents to accommodate the petitioner in service

and after his reinstatement, pay arrears of salary and also to give all pensionary benefits.

3. The facts, as delineated in the writ application, in brief is that initially the petitioner was appointed on the post of "Superior Field Officer" in

the department of Anti-malaria Unit at Pakur on 11.02.1961 and continued till 1966. But, vide letter dated 23.05.1966, the petitioner was retrenched

from services on the ground that his services is no longer required. It has further been averred that on being represented the respondents-authorities,

in particular Chief Malaria Officer, Bihar called the petitioner for interview and accordingly the petitioner was interviewed on 3.11.1978 but no action

was taken. Aggrieved thereof, the petitioner represented before His Excellency the President of India vide letter dated 12.03.1992, in response

thereto, the President Secretariat made correspondence to the then Chief Secretary, State of Bihar to do the needful, but even then also no fruitful

result came out, and thereafter also the petitioner from time to time represented before the respondents-authorities but it did not evoke any

response, hence, the petitioner left with no alternative, efficacious remedy, approached this Court under Article 226 of the Constitution of India for

redressal of his grievances.

4. Heard Mr. K.K. Ojha, being assisted by Mr. Rakesh Kumar, learned counsel for the petitioner and Mr. Rajesh Kumar Singh, A.C to G.P. IV for

learned counsel for the respondents-State.

5. Learned counsel for the petitioner reiterating the averments made in the writ application submitted that after appointment of the petitioner in the

year 1961, his service book was opened but all of a sudden he was ousted from services on the frivolous ground that his service is no longer required.

It has further been submitted that after considering the pitiable condition of the petitioner and his requirement, the petitioner was even interviewed in

the year 1978 but his case was not considered.

6. Learned counsel for the respondents submitted that on the representation of the petitioner, the State Malaria Officer, Bihar, Patna gave opportunity

to the petitioner regarding his claim and directed to appear before him on 3.11.1978 with all relevant documents, regarding his claim, but, the petitioner

failed to avail such opportunity. Moreover, from the documents, available on record, it appears that petitioner has crossed the age of superannuation

even at the time of filing of writ application, hence, the prayer made by the petitioner is not sustainable.

7. Having heard learned counsel for the parties at length and on perusal of documents available on record and after giving my anxious consideration to

the pleadings available on record, even it is taken on record that the petitioner was appointed in the year 1961 and was retrenched in the year 1966,

the petitioner for the first time in the year 2013 knocked the doors of this Court i.e. after a lapse of about five decades. From the pleading available on

record, it appears that the petitioner has failed to explain such inordinate delay for approaching this Court. Though in the writ application, the petitioner

has referred to some representations, which is an established principles of law the "repeated representations shall not save limitation",

particularly in a case at hand where the petitioner has approached this Court after about five decades. Even otherwise also, no other ground has been

raised by learned counsel for the petitioner to persuade this Court to grant the relief, as sought for.

8. For the reasons aforesaid, the writ petition, being devoid of any merit, is dismissed.Â Â Â Â Â

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