
(2012) 12 JH CK 0092
In the Jharkhand High Court
Case No : Writ Petition (S) No. 5490 of 2003

Meghnath Mahto

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-12-2012

Acts Referred:

Citation : (2013) 1 JLJR 510

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : S. Ahmad, for the Appellant;

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. The petitioner has come before this court for directing the respondents to release and pay full arrears of salary to the petitioner for the period from 21st January, 1988 to 20th September, 1988. He has also sought for quashing of the order dated 2nd February, 1990 by which it was held that he will not be entitled to get the rest of the salary apart from the subsistence allowance. In the punishment order contained at Annexure-5 dated 2nd February, 1990, it has been indicated that the petitioner will not be entitled to get any subsistence allowance and the period of suspension shall not be counted in the length of his service and he will not be entitled to any benefit for that period. This order has been challenged in the present writ application after 13 years.

2. Counsel for the petitioner submits that the petitioner preferred an appeal before the competent authority i.e. the District Superintendent of Education, Ranchi (Respondent No. 2) vide Annexure-6.

3. Respondents have stated in their counter affidavit that the punishment order has been passed after due inquiry against the petitioner as he was found absent from the school for the misconduct relating to the year 1988. The punishment order has been passed in the year 1988 itself and even the appeal has not been

preferred before the competent appellate authority. In the aforesaid facts and circumstances of this case, since the relief prayed for on behalf of the petitioner suffers from gross delay and laches, no relief can be granted in the writ jurisdiction of this court. Accordingly, this writ petition is dismissed.