
(2010) 03 GUJ CK 0059

In the Gujarat High Court

Case No : Special Civil Application No. 3055 of 2010

P.K. Gupta

APPELLANT

Vs

Mohan Dass, Principal and others

RESPONDENT

Date of Decision : 09-03-2010

Acts Referred:

Citation : (2010) 03 GUJ CK 0059

Hon'ble Judges : K.S. Jhaveri, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

K.S. Jhaveri, J.—By way of this petition, the petitioner has prayed for the following relief:--

(A) Petitioner requests for higher secondary salary from the date of joining 2.8.1985, with arrears and other facilities as per Government rules. Petitioner also requests for the salary release from 20.2.2006 with immediate effect of sustenance of his life. Petitioner also requests the Court and the Hon"ble Judge for regularising the P.P. facilities which the school gives highest to the principal of the school. Petitioner has served in the school for more than 20 years, therefore, pension facilities should be provided. Petitioner requests the Court for the facilities which are applicable to higher secondary teacher in the Government School. The dismissal order is wrong, therefore, the petitioner requests the Court to set aside the dismissal order, "(sic), s

It is the case of the petitioner that he was working in the Higher Secondary section of Indrayon School since August, 1985. However, on 20.2.2006 respondent No. 1 dismissed the petitioner on account of alleged misconduct committed by the petitioner. Hence, this petition.

2. Heard the party-in-person. Admittedly, the petitioner is claiming Benefits from the year 1985 along with consequential benefits and arrears of salary. This petition has been filed on 5.3.2010. In other words, to claim certain benefits,

which were due in 1985, this writ petition has been filed only in the year 2010, viz. after a period of more than twenty years. Apart from that relief claimed by the petitioner qua dismissal order is concerned, the petitioner can agitate the said grievance before the Tribunal.

3. Looking to the facts of the case, it would be relevant to refer to a decision of the Apex Court rendered in the case of Shiv Dass Vs. Union of India (UOI) and Others, wherein, the following observations made in para 10 are relevant.

10... If petition is filed beyond a reasonable period say three years normally the Court reject the same or restrict the relief which could be granted to a reasonable period of about three years. The High Court did not examine whether on merit appellant had a case. If on merits it would have found that there was no scope for interference, it would have dismissed the writ petition on that score alone.

4. Considering the facts of the case in the background of the principle laid down in the aforesaid decision, I am of the view that the petition deserves to be dismissed on the ground of delay itself.

5. Consequently, the petition is not entertained and is, accordingly, rejected. No order as to costs.