

**(2013) 04 JH CK 0029**  
**In the Jharkhand High Court**  
**Case No : WP (S) No. 5111 of 2004**

Thakur Prasad Mandal

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

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**Date of Decision :** 12-04-2013

**Acts Referred:**

**Citation :** (2013) 2 JLJR 630

**Hon'ble Judges :** S. Chandrashekhar, J

**Bench :** Single Bench

**Advocate :** Manoj Tandon, for the Appellant; M.J. Rahman, for the Respondent

**Final Decision :** Dismissed

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## Judgement

S. Chandrashekhar, J.—Seeking quashing of order dated 22.2.2003 and for issuance of a writ of mandamus directing the respondents to reinstate the petitioner in service with effect from 5.2.1975, the petitioner has filed the present writ petition. The petitioner was appointed as Constable in 1972 and after completing two years of service, he was sent for six months" training which he completed and again joined on 10.5.1974 at Sahebganj Police Line. On 18.2.1975, a memo was issued to the petitioner to join forthwith. The petitioner has stated that he joined his duty at the residence of respondent No. 4 however, he was not paid his salary, allowance etc. and therefore, he made enquiries whereupon he was informed that payment has been withheld on the verbal instruction of respondent No. 4 on the ground that his resignation from service has been accepted. The petitioner has pleaded that he never tendered his resignation. The petitioner, therefore, moved the High Court in C.W.J.C. No. 10142 of 1999 which was disposed of on 5.8.2002 with a liberty to the petitioner to submit a fresh representation. The representation of the petitioner came to be rejected by the impugned order dated 22.2.2003 and therefore, the petitioner has approached this Court again.

2. A counter-affidavit has been filed-on behalf of the respondents in which it has

been denied that the petitioner was put under suspension. In fact he absconded from duty and therefore, by office memo dated 18.2.1975 he was directed to join however, as he did not join duty, he was discharged from service from the date of desertion, that is, 5.2.1975.

3. Heard learned counsel appearing for the parties and perused the documents on record.

4. The learned counsel appearing for the petitioner has submitted that the petitioner has been victimized by the respondent No. 4. He was put under suspension on oral orders of respondent No. 4 while-he was posted as "Adeshpal" at his residence and after he was directed to join duty vide letter dated 18.2.1975, he promptly joined his duty at the residence of respondent No. 4 however, he was not paid his salary etc. On the other hand, the learned counsel appearing for the respondents has supported the impugned order dated 22.2.2003 whereby the claim of the petitioner has been rejected.

5. From the record of the case, I find that office memo dated 18.2.1975 was issued requiring the petitioner to join his duty. Although, the petitioner has pleaded in the writ petition that he joined his duty at the residence of respondent No. 4 however, he was not paid his salary etc., I find that after a lapse of more than 24 years, the petitioner approached this Court by filing C.W.J.C. No. 10142 of 1991. If the petitioner was not paid his salary, since February, 1975, he would not have waited for about 25 years to move the Court. The writ petition lacks in detail and no foundational fact has been pleaded in the writ petition nor any document in support of his claim has been brought on record by the petitioner. I find no merit in this writ petition, accordingly, the writ petition is dismissed.