

GAHC010078732024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2145/2024

RAM BALAK ROY
S/O- LATE RAJENDRA ROY, VILLAGE- BAZID PUR MALAHI (UNCHIDIH),
P.O- BIDUPUR (RS),
DIST- VAISHALI, BIHAR,
PIN-844502, DISCHARGED FROM SERVICE AS RIFLEMAN/COOK, FROM 8
ASSAM, RIFLES, C/O-99 APO

VERSUS

THE UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF HOME AFFAIRS, NEW DELHI- 110001

2:THE DIRECTOR GENERAL OF ASSAM RIFLES
SHILLONG
MEGHALAYA-11

3:THE COMMANDANT
8 ASSAM RIFLES
C/O 99 APO
PIN-93200

Advocate for the Petitioner : MS. S BORA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

22.04.2024

Heard Ms. S. Bora, learned counsel for the petitioner. Also heard Mr. B. Chakravarty, learned CGC for the respondents.

The claim of petitioner is for the disability pension and arrears thereof which have been denied by the respondent authorities.

The learned counsel for the petitioner submits that the petitioner suffered disability to the extent of 70% and this disability had been suffered attributable to service as have been certified by the Medical authority. The learned counsel for the petitioner addressed to the communication dated 06.12.2023 to submit that the disability of the petitioner was found to be attributable to service by the Medical Authority and he was medically boarded out from service.

The learned CGC on the contrary submits that the writ petition is barred by delay and laches inasmuch as the petitioner was invalidated out of service in the year 1981 and the writ petition has been in the year 2024. Therefore, on that count itself, the writ petition should be rejected. He, however, craves leave of the Court to complete his instructions in the matter and place it before the Court.

Issue Notice, Returnable in four weeks.

Since the learned CGC appeared, Notices are waived. However, extra copies be furnished within a period of one week from today.

The question of delay is left open to be decided at the stage of admission.

List after four weeks.

JUDGE

Comparing Assistant