

GAHC010054442024



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

**Case No. : I.A.(Civil)/851/2024
In WA No.3132/2024 (Filing Number)**

LNK 188 RAMIZUDDIN AHMED
S/O- SAMSUDDIN AHMED, R/O. VILL.- MORIKOLONG, BENGANIATI, P.O.-
CHOTA HAIBARGAON, P.S.- NAGAON, DIST.- NAGAON, ASSAM.

VERSUS

1. THE STATE OF ASSAM AND 7 ORS
THROUGH THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM,
HOME DEPTT., DISPUR, GHY- 6.
- 2:THE DIRECTOR GENERAL OF POLICE, ASSAM
ULUBARI GHY- 7 DIST.- KAMRUP ASSAM.
- 3:THE INSPECTOR GENERAL OF POLILCE ASSAM
ULUBARI GHY- 7 DIST.- KAMRUP ASSAM.
- 4:THE DY. INSPECTOR GENERAL OF POLICE ADMINISTRATION, ASSAM
ULUBARI GHY- 7 DIST.- KAMRUP ASSAM.
- 5:THE DY. INSPECTOR GENERAL OF POLICE TAP, ASSAM
ULUBARI GHY- 7 DIST.- KAMRUP ASSAM.
- 6:THE DY. INSPECTOR GENERAL OF POLICE CR ASSAM
DIPHU P.O. and P.S.- DIPHU DIST.- KARBI ANGLONG ASSAM.
- 7:THE SUPERINTENDENT OF POLICE, KARBI-ANGLONG DIST.
DIPHU AND DISCIPLINARY AUTHORITY
P.O. and P.S.- DIPHU DIST.- KARBI-ANGLONG ASSAM

For the Applicant : Ms. S. Kanungoe, Advocate.

For the Respondent(s) : Ms. R.B. Bora, Junior Government Advocate, Assam.

- BEFORE -
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

03.05.2024

(Vijay Bishnoi, CJ)

The matter comes up for consideration of I.A.(Civil) No.851/2024, filed by the applicant under Section 5 of the Limitation Act, 1963, with a prayer to condone the delay of 173 days occasioned in preferring the connected writ appeal.

The applicant was serving as a Constable under the Superintendent of Police, Karbi Anglong. However, his services were terminated vide order dated 09.04.2007 as he was convicted and sentenced by the competent criminal court for the offence punishable under Sections 376/34 of IPC.

The applicant approached this Court seeking reinstatement on the post of Constable. The writ petition [WP(C) No.4860/2011] filed by the applicant seeking reinstatement on the post of Constable came to be dismissed by the learned Single Judge vide order dated 22.08.2023.

Learned counsel for the applicant has submitted that in the connected writ appeal, the applicant is praying for compassionate pension as per Rules.

Taking note of the above contention of the learned counsel for the applicant, we are of the view that the prayer for compassionate pension was not there in the writ petition. This question cannot be considered at the appellate stage. The applicant, if so advised, can very well seek appropriate remedy for the said relief before the appropriate forum.

At this stage, learned counsel for the applicant has submitted that she

wants to withdraw the instant Interlocutory Application as well as the connected writ appeal, which is yet to be registered, with liberty to the applicant to avail appropriate remedy available to him as per law.

In view of above, I.A.(Civil) No.851/2024 and the connected writ appeal [WA No.3132/2024 (Filing Number)], which is yet to be registered, are dismissed as withdrawn with the liberty granted to the applicant/appellant, as prayed for.

JUDGE

CHIEF JUSTICE

Comparing Assistant