

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 12th OF JANUARY, 2026

WRIT APPEAL No. 2890 of 2025

RAM KRIPAL PATEL

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rambihari Gautam - Advocate for the appellant.

*Dr. Siddharth Singh Chouhan - Government Advocate for the
respondents/State.*

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ORDER

Per. Hon'ble Shri Justice Vinay Saraf J.

1. By taking exception to the order dated 17.07.2025 passed by learned Single Judge in Writ Petition No.1891/2025, whereby the petition preferred by the appellant challenging the orders dated 08.07.2015 and 14.12.2016 was dismissed on the ground of delay and laches occurred in filing the petition. The instant intra court appeal has been preferred by the appellant under Section 2(1) of M.P. Uchha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005.

2. Heard Shri Rambihari Gautam, learned counsel for the appellant on the question of admission.

3. Short facts of the case are that the appellant was dismissed from service by order dated 08.07.2015 upon the allegation of continuous unauthorized absence from duty since 03.07.2011. The appellant remained absent for more than four years and due to the continuous unauthorized absence he was dismissed from service after conducting departmental enquiry. An appeal was preferred by the appellant and the same was dismissed by order dated 14.12.2016 by the appellate authority. After a period of 9 years from the date of rejection of appeal, the appellant preferred subject writ petition which was dismissed by the learned Single Judge mainly on the ground of delay and laches occurred in filing the petition.

4. Learned counsel for the appellant submits that the appellant was working in Madhya Pradesh Poorv Kshetra Vidyut Vitran Company Ltd. on the post of Line Attendant Assistant Grade - II and due to several grievous diseases like Diabetes, Mellitus, Nephritis, Chronic Peptic Ulcer, Right Side Paralysis and loss of vision from left eye, the appellant had undergone treatment in the year 2004 to 2006 by the Government doctors and he was admitted during this period because of that he could not appear in the service on various occasions. However, when the appellant was declared fit for services by the doctor he joined the services. In continuation of the said illness, the appellant remained absent from 03.07.2011.

5. When an order was issued by the Department that appellant will be superannuated on 31.03.2016, he applied on 08.04.2015 for voluntary retirement but the same was not accepted on the ground that a charge sheet

was served upon the appellant on 23.11.2012 for remaining unauthorizedly absent from the service since 03.07.2011 and the Departmental enquiry was conducted wherein the charges were proved. Therefore, his request for voluntary retirement could not be acceded. However, after conducting the enquiry the appellant was dismissed from the services by order dated 08.07.2015. Said order was challenged by the appellant before the appellate authority and the appellate authority dismissed the appeal by order dated 14.12.2016. Thereafter, the subject writ petition was filed.

6. The counsel for the appellant further submits that reason for absence was wholly *bona fide* and due to ailment the appellant could not appear in services and remained absent. However, the same was not considered in the departmental enquiry by appellate authority or learned Single Judge. He further submits that the learned Single Judge has erred in dismissing the writ petition on the ground of delay and laches. He prays for setting aside the order passed by learned Single Judge and allowing the petition and for issuance of direction to the respondent to accept the application of the petitioner submitted for voluntary retirement. He further submits that direction be issued to release the retiral benefit in favour of the appellant.

7. The arguments advanced by learned counsel for the appellant and the documents filed along with the said writ petition are perused and from perusal of the documents, it is revealed that appellant annexed OPD slip of District Hospital Katni dated 24.07.2014 and 27.02.2015 as well as fitness certificate dated 17.11.2014 along with the petition.

8. In the medical documents no serious illness is mentioned. Appellant

remained absent for a period of almost 4 years. The medical documents do not reflect that he was suffering from such a serious illness which prevented, the appellant from attending to the duties continuously for a period of 4 years. The appellant challenged the order of dismissal after a period of 9 years and submits that he was declared fit by doctor on 07.01.2025 therefore, he could not prefer the petition earlier. However, the certificate of fitness submitted by the appellant dated 07.01.2025 appears to be issued by the Medical Officer who did not provide any treatment to the appellant, as not a single document is filed on record to demonstrate that the Medical Officer who issued the certificate ever treated the appellant during this period.

9. Learned Single Judge has doubted the genuineness of the certificate issued by the Medical Officer and directed to take proceedings against the Medical Officer for preparation of concocted documents just to grant undue benefit to the appellant. Learned Single Judge issued direction to Chief Health and Medical Officer, Katni to verify the sickness and fitness certificate submitted by the appellant. The Medical Officer who issued the certificate submitted his reply that and he had only treated the appellant for hypertension in the year 2016 and by mistake the date of 07.01.2025 was mentioned in the fitness certificate. Considering the said fact, the learned Single Judge dismissed the petition on the ground of delay and latches.

10. We are in full agreement with the findings recorded by learned Single Judge as there is no satisfactory explanation on the part of the appellant to explain the delay occurred in filing the writ petition. The appellant remained absent for a period of 4 years and no satisfactory

explanation offered by the appellant for the said period and after dismissal from the services and dismissal of appeal, the appellant chose to sit idle for a period of 9 years and therefore, the learned Single Judge has not committed any error in dismissing the petition on the ground of delay and laches. Moreso, the appellant tried to misguide the court by submitting a concocted fitness certificate to demonstrate that he remained sick for a period of 9 years but when this fact was brought to the knowledge of the learned single Judge that doctor who issued the certificate treated the appellant only for hypertension in the year 2016, the appellant was held not entitled to any relief. The order passed by learned Single Judge appears to be just and proper and does not require any interference by this Court in intra court appeal. Consequently, the admission is declined, appeal is **dismissed** in *limini*. No order as to costs.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE

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