

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18546 of 2011

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Ram Dulari Devi, wife of Late Harihar Mishra R/O Bishnupur Chand, Malhipur,
P.S. - Barauni, Distt. - Begusarai

.... Petitioner/s

Versus

1. Bihar State Electricity Board, Viduyut Bhawan, Bailey Road, Patna - 800001
through its Chairman.

2. Secretary, Bihar State Electricity Board, Patna.

3. Financial Controller, Bihar State Electricity Board, Patna.

4. The Executive Engineer, Electricity Supply Division, Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 19-08-2015

Heard learned counsel for the parties.

The present writ application has been filed seeking a
direction to the respondents to pay post retiral benefits which were
due to the late husband of the petitioner.

Learned counsel for the petitioner submits that the
husband of the petitioner had joined service under the respondents in

February, 1964 and thereafter went on leave in August, 1968 and when he wanted to join duty in February, 1969, he was not allowed to do so. It is submitted that thus the petitioner is entitled to back wages and all retiral benefits as his services were never terminated by the respondents.

Learned counsel for the respondents submits that the cause of action of the year 1969 has been, for the first time, brought before the Court in the year 2011 and thus the writ application is fit to be dismissed outright.

Upon considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is in agreement with the objection raised by the learned counsel for the respondents.

Accordingly, the application stands dismissed on the ground of gross delay and laches.

(Ahsanuddin Amanullah, J)

Anjani/-

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