

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 16513 of 2011

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1. Ajay Kumar Son of Late Sheojee Prasad Resident of Mohalla- R. Block, P.O.- G.P.O., P.S.- Sachiwalaya, District- Patna.
 2. Sanjay Kumar Son of Late Sheojee Prasad Resident of Mohalla- R. Block, P.O.- G.P.O., P.S.- Sachiwalaya, District- Patna.
 3. Avinash Kumar Son of Late Sheojee Prasad Resident of Mohalla- R. Block, P.O.- G.P.O., P.S.- Sachiwalaya, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Director, Higher Education, Human Resources Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Magadh University, Bodh-Gaya, Gaya.
4. The Registrar, Magadh University, Bodh-Gaya, Gaya.
5. The Finance Controller, Magadh University, Bodh Gaya, Gaya.
6. The Principal, Anugrah Narayan College, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate.
For the Respondent-University : Mr. Rashid Izhar, Advocate.
For the State : A.C. to G.P. 23.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 13-08-2015 Heard learned counsel for the petitioners,

learned AC to GP-23 for the State and learned counsel for the

Magadh University.

The petitioners have moved this Court seeking payment of outstanding death-cum-retiral benefits due of their father who died in harness while working on the post of Peon in Anugrah Narayan College, Patna on 03.07.2003.

Learned counsel for the petitioners submits that their mother was already missing since year 1984 and subsequent to the death of their father, petitioner no. 3 has

been granted compassionate appointment by the respondent authorities after verifying all aspects. It is further submitted that they have also represented before the authorities but no payment has been made.

Learned counsel for the respondents raise a preliminary objection and submit that the cause of action being of the year 2003 and the petitioners filing the writ application in the year 2011, the same may not be entertained.

Considering the facts and circumstance of the case and submissions of learned counsel for the parties, this Court is inclined to agree with the submissions made by learned counsel for the respondents. The Court may have exercised its discretionary prerogative writ jurisdiction had the original claimant or his wife been alive but the sons who are before the Court and one of them also having been granted compassionate appointment, moving this Court after eight years of the cause of action is not justified. The fact that the petitioners kept representing to the authorities and the authorities also kept responding to the same will not change the picture since a person is required to be vigilant and prompt in his case and filing of representations before the authorities in no way can condone the delay and lapses on their part as the Court is not responsible for the action/inaction of the authorities. A party which approaches the Court is under an obligation to do so within a reasonable period so that the

Court can take up its cause at the earliest.

Accordingly, this Court is not inclined to interfere in the matter and on the ground of delay and laches, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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