

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1496 of 2014

In
Civil Writ Jurisdiction Case No. 9441 of 2014

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Dwarika Panday son of Late Ram Pravesh Panday, Resident of Village -
Dikshit Chak, Sadisopur, Police Station - Bihta, District - Patna (Bihar).

.... Appellant

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner-Cum-Secretary Finance Department, Government of Bihar, Patna.
3. The Secretary Bihar Housing Development and Building Construction Department, Government of Bihar.
4. The Managing Director, Bihar State Housing Board, Patna.
5. The Secretary, Bihar State Housing Board, Patna.
6. The Executive Engineer, P.H. Division, Bihar State Housing Board, Patna.
7. The Revenue Officer, Bihar State Housing Board, Patna.
8. The Accountant General Bihar, Birchand Patel Marg, Patna.

.... Respondents

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Appearance :

For the Appellant : Mr. Gajanan Arun, Advocate

For the Respondent Nos.1 to 3: Mr. Praveen Kumar, A.C. to G.P.-27

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CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE I. A. ANSARI)

3 15-01-2015 Alleging that he has not been paid his *post retiral benefits*, the appellant herein filed a writ petition, under Article 226 of the Constitution of India, seeking issuance of appropriate writ, which gave rise to C.W.J.C. No. 3971 of 2005. By order, dated 23.04.2008, the writ petition was dismissed. Instead of assailing the order of dismissal of the writ petition by way of *intra* Court appeal, the appellant filed another writ petition with

the same prayer and the second writ petition gave rise to C.W.J.C. No. 6751 of 2011, which, too, was dismissed on 20.04.2011. The appellant, instead of preferring any *intra* Court appeal, filed the third writ petition seeking the same relief, which he had claimed in the earlier writ petitions. The third writ petition gave rise to C.W.J.C. No. 9441 of 2014.

Because of the fact that the appellant had repeatedly filed writ petitions seeking the same reliefs resulting into dismissal of his writ petitions and thereby wasting the public time, a learned single Judge of this Court has dismissed the third writ petition, on 12.08.2014, with a cost of Rs.25,000/- payable by the appellant to the High Court Legal Services Committee, Patna.

Aggrieved by the order, dated 12.08.2014, this appeal has been preferred by the writ petitioner.

We have heard Mr. Gajanan Arun, learned counsel appearing for the appellant, and Mr. Praveen Kumar, learned Assistant Counsel to Government Pleader No.27 appearing for the respondent Nos. 1 to 3.

It is submitted, on behalf of the appellant, that the appellant does not impugn dismissal of his third writ petition, but since he is a man, who retired long time back, the order,

imposing on him the cost of Rs.25,000/-, may be set aside.

To the submission, so made, no serious objection has been raised on behalf of the respondent State.

Considering the fact that the appellant is a retired person and he had not been correctly advised, we are of the view that the cost of Rs.25,000/-, imposed on the appellant, calls for interference.

In view of the above and in the interest of justice, the order, under appeal passed on 12.08.2014, is hereby set aside to the extent that the same imposes cost of Rs.25,000/-, on the writ petitioner-appellant, making the same payable to the High Court Legal Services Committee, Patna.

With the modification so made in the order under appeal, this appeal shall stand partly allowed.

(I. A. Ansari, J)

(Chakradhari Sharan Singh, J)

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