

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.678 of 2008

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1. Employees' State Insurance Corporation through its Regional Director, Bihar ESIC Bhawan, (correct name Panchdeep Bhawan), Baiely Road (Jawahar Lal Nehru Marg), Patna-800001.
 2. The Deputy Regional Director, Employees' State Insurance Corporation, Bihar ESIC Bhawan, (correct name Panchdeep Bhawan), Baiely Road (Jawahar Lal Nehru Marg), Patna-800001.
 3. The Recovery Office, Employees' State Insurance Corporation, Bihar ESIC Bhawan, (correct name Panchdeep Bhawan), Baiely Road (Jawahar Lal Nehru Marg), Patna-800001.

.....Appellants

Versus

Raj Kumar Gupta, Son of Sri Laloo Prasad, Proprietor of M/S Raj Kumar Hotel, Exhibition Road, P.S.-Gandhi Maidan, Patna.

.....Applicant.....Respondent

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Appearance :

For the Appellant/s : Dr. Anshuman, Advocate

For the Respondent/s : Mr. K.N. Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA

ORAL JUDGMENT

Date: 04-02-2015

This file is placed under the heading “For Orders (On Petitions)”.

Interlocutory Application No. 4006 of 2014

2. Heard.

3. This is an appeal preferred against judgment dated 15th December, 2006 passed in E.S.I. Case No. 10 of 1999

by Sri Bajrangi Sharan, Presiding Officer, Labour Court & Employees' Insurance Court, Patna.

4. By filing interlocutory application on 15th May, 2014 the appellant has sought condonation of delay, as stated, for one (1) year, nine (9) months and fifteen (15) days, shifting the entire laches upon the counsel working on penal.

5. On going through the contents made in said interlocutory application it appears that on previous occasion the appellant was directed to disclose the name and other details of the counsel upon whom such allegations were leveled and by filing supplementary affidavit the appellant, as stated, has tried to comply the order, but it is not evident from such affidavit, perhaps to screen the complete identity of the learned counsel, such as his bio-data etc., has not been furnished and this itself goes to show that the appellant intends to mislead the Court in order seek condonation of delay as well leaving the wrong doers, if any, unpunished. Such type of attempt cannot be at all permitted any longer.

6. That apart, this appeal, knowingly being barred by limitation, was filed on 28th November, 2008, ignoring the

provision as contemplated under Order XLI Rule 3-A C.P.C. and in spite of objection of the office including order dated 15th May, 2013 by way of caution interlocutory application was filed only on 15th May, 2014 without any further explanation.

7. Thus, finding no merit, the Interlocutory Application No. 4006 of 2014 stands disposed of; consequently, the appeal.

(Akhilesh Chandra, J)

Praveen-II/-

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