

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.225 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 14607 of 2013**

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1. Bisheshwar Prasad Yadav, Son of Laxmi Yadav, Resident of Village - Khajauli, P.O. - Sukki Via Khajauli, Police Station - Jainagar, District - Madhubani
 2. Ram Avtar Yadav, Son of Late Mohin Yadav, Resident of Village + P.O. - Mahua Ekdara, Police Station - Khajauli, District - Madhubani

.... Appellant/s

Versus

1. The State of Bihar Through The District Magistrate, Madhubani
2. The Treasury Officer, Madhubani
3. The District Education Superintendent, Madhubani
4. The District Programme Officer (Establishment), Madhubani
5. The Block Education Officer, Pandaul, Madhubani
6. The Commissioner, Provident Fund, Bihar, Patna
7. The Provident Fund Officer, Madhubani
8. The Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ratnakar Jha, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-06-2016

The challenge in the present Letters Patent Appeal is to an order dated 01.08.2013 passed in CWJC No. 14607 of 2013, whereby the appellants were permitted to withdraw the writ petition but declining the appellants to file writ petition again.

Learned counsel for the appellants contends that there

cannot be any restriction on the right of the appellants to move the writ court again. We find that the said argument is not meritorious as per the facts on record. The appellants have claimed arrears of General Provident Fund from 1971 to 1976, benefits of Senior Selection Grade and Assured Career Progressive Scheme, monetary benefit of second time bound promotion as well as interest. Appellant no. 1 attained the age of superannuation on 31st January, 2004 and appellant no. 2 attained the age of superannuation on 31st January, 2005, respectively.

The writ petition was filed claiming benefit of promotion etc. which might have accrued to them prior to their retirement. The writ petition was filed in the year 2013. Thus, the writ petition has been filed after nine and eight years of the superannuation of the appellants. The claim of monetary benefits which might have accrued to the appellants during their service career cannot be permitted to be claimed after long lapse of time, particularly after more than eight years of superannuation.

We find that even if the writ application was not withdrawn, it could not have been entertained on account of delay and laches. Therefore, we do not find any reason to entertain the present appeal. In view of long delay, the order of the Learned Single Judge to restrict the appellants to file another writ petition cannot be said to be erroneous.

Consequently, this appeal is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

