

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1675 of 2015

Arising out of

Civil Review No.78 of 2015

Arising out of

Civil Writ Jurisdiction Case No.3534 of 2011

Along with

Interlocutory Application No.7572 of 2015

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Braj Bhushan Mishra, S/o Shri Rameshwar Nath Mishra, Resident of Village-Mohammadpur, P.O.-Saraiya Factory, P.S.-Saraiya, District Muzaffarpur.

.... Petitioner-Appellant

Versus

1. The State of Bihar.
2. The Principal Secretary, Health Department, Government of Bihar, Patna.
3. The Director -in-Chief, Health Services, Bihar, Patna.
4. The Director, Indigenous Medicine, Bihar, Patna.
5. The Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga through its Vice Chancellor.
6. The Vice-Chancellor, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
7. The Registrar, Kameshwar Singh, Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga.
8. The Principal, Maharani Rameshwari Bhartiya Chikitsa Vigyan sanshtan , Mohanpur, Darbhanga.
9. The Treasury Officer, Muzaffarpur.
10. The Accountant General, Bihar, Patna.
11. The Assistant Accounts Officer/Section Officer, O/o the A.G. Bihar, Patna.

.... Respondents-Respondents

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Appearance :

For the Appellant

: Mr. R. K. Jain, Advocate

Mr. Pradeep Kumar Sinha, Advocate

Mrs. Punam Shrivastava, Advocate

For the Respondents-State :

Mr. Kamlesh Kumar Sharma, A.C. to S.C.-22

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

2 18-04-2016

Re.: Interlocutory Application No.7572 of 2015

The application is for condonation of delay of 87 days in filing of the appeal.

For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay of 87 days in filing of the appeal. Consequently, the delay is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.1675 of 2015

Learned counsel for the appellant points out that pension of the appellant has been since re-fixed and, therefore, he has no surviving grievance except to the extent of cost imposed by the learned Single Bench.

We find that imposition of a cost in view of the fact that the grievance of the appellant stands redressed by the Department seems to be unwarranted. Consequently, we set aside the order imposing cost of Rs.10,000/-.

The Letters Patent Appeal is dismissed as withdrawn in respect of other aspects.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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