

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.446 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 4126 of 2009
Along with
Interlocutory Application No.2052 of 2015

- =====
1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna.
 2. The Director, Department of Primary Education, Govt. of Bihar, Patna.
 3. The Regional Deputy Director of Education, Saharsa.
 4. The District Superintendent of Education, Madhepura.
 5. The District Magistrate, Madhepura.

.... Respdnts- Appellants

Versus

Upendra Yadav, Son of Late Lakheshwar Prasad Yadav, Resident of Village+ P.O- Kaushalipatti, P.S. Pipra, District- Supaul.

.... Petitioner- Respondent

=====

Appearance :

For the Appellants : Mr. Manoj Kumar Sinha, A. C. to S. C.-30
For the Respondent : None

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 07-04-2016

Re.: Interlocutory Application No.2052 of 2015

The application is to seek condonation of delay of 3 years and 80 days in filing of the present appeal.

Though the reasons disclosed are not sufficient to condone the delay, but in the larger interest of justice, we deem it appropriate to condone the delay in filing of the appeal. Consequently, the delay of 3 years and 80 days in filing of the appeal is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.446 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 18th of July, 2011 whereby the appellants have been directed to pay arrears of salary of the writ petitioner-respondent for the period 06.01.1981 to 07.03.1995.

The argument of learned counsel for the appellants is that the writ petition suffers from gross delay and laches and could not have entertained in the year 2009.

We do not find any merit in the argument raised. Even if the writ petition was suffering from delay, the fact remains that the direction is only for payment of salary which was a legitimate right of an employee of the State Government.

In the peculiar facts of this case, we do not find any ground to interfere with the order passed by the learned Single Bench in the present intra-court appeal.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Sunil/-

N.A.F.R.

U			
---	--	--	--