

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1267 of 2011

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Narad Prasad Singh, son of Sri Kishore Prasad Singh, resident of Village-
Englishpur, P.S.- Shahpur, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Road Construction Department, Govt. of Bihar, Patna.
3. Additional Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. Deputy Secretary –cum- Chief Vigilance Officer, Road Construction Department, Govt. of Bihar, Patna.
5. The Deputy Secretary (Vigilance), Road Construction Department, Bihar, Patna.
6. The Engineer –in- Chief –cum- Additional Commissioner cum Special Secretary, Road Construction Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate

For the Respondent/s : AC to AAG-8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 04-10-2016

Heard the parties.

The petitioner has questioned the order bearing Memo No.5782(E) dated 31.12.2007 passed by the Engineer-in-Chief – cum- Additional Commissioner –cum- Special Secretary, Road Construction Department, Bihar, Patna whereby he has imposed punishment of withholding of one increment as well as he has deprived the petitioner of the salary for the period of suspension by restricting it to the subsistence allowance.

Although the argument advanced by Mr. Prabhu Nath Pathak, learned counsel appearing for the petitioner is that the



petitioner was exonerated by the enquiry officer but considering that the punishment was passed on 31.12.2007 and its effect was only for next one year and which has been suffered by the petitioner before he realized to question the same after a lapse of more than three years, I am not persuaded with the argument advanced by Mr. Pathak to enter into the merits of the case for the writ petition suffers from gross laches and delay not warranting any interference after lapse of three years. The petitioner has also failed to take recourse to the appellate remedy which is sufficient to demonstrate that he has accepted the punishment and has slept over his rights for such long period of three years. The writ petition suffering from the vice of gross laches and delay, is dismissed accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10-10-2016
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