



IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1028 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 437 of 2014

Along with

Interlocutory Application No. 4286 of 2015

In

Letters Patent Appeal No.1028 of 2015

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Shiv Nandan Sah Son of Late Sita Ram Sah, Resident of Sahu Colony, Near MBBL College, Damodarpur Pathantoli, P.S. kanti, District-Muzaffarpur.

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Building Construction, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Building Construction, Govt. of Bihar, Patna.
3. The Joint Secretary, Department of Building construction, Govt. of Bihar, Patna.
4. Special Work officer, Department of Building Construction, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent/s : Mr. Lalan Kumar, AC to GP 9

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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: 25-10-2016

None is present for the appellant again.

Re.: Interlocutory Application No. 4286 of 2015

The application is for condonation of delay of 43 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. Consequently, the delay of 43 days in filing of the appeal is condoned.

Interlocutory Application stands disposed off.

Re.: Letters Patent Appeal No. 1028 of 2015

The present Letters Patent Appeal is directed against an order dated 10th October, 2014 passed by the learned Single Bench wherein, the Court declined to stay the departmental proceeding during the pendency of criminal case.

Learned counsel for the State pointed out that in fact the enquiry had been concluded and the report submitted and an appropriate decision is likely to be taken by the competent authority soon.

The learned Single Bench has relied upon judgments of the Hon'ble Supreme Court in the case of State of Rajasthan vs. B. K. Meena reported as AIR 1997 SC 13 and in the case of Capt. M. Paul Anthony vs. Bharat Gold Mine Ltd. reported as (1999) 3 SCC 679 to return a finding that departmental proceedings are not liable to be stayed during the pendency of criminal trial.

We do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal. The same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	AFR
CAV DATE	N/A
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