

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.602 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 6072 of 2014
Along with
Interlocutory Application No.2633 of 2015

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Bishwanath Sharma, Son of Late Ram Swaroop Sharma, Resident of Mohalla- Nai Bazar, Ward No. 12, Buxar, P.S. - Buxar Town , District- Buxar.

.... Appellant/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home Government of Bihar, Patna.
2. The Inspector General of Prison, Government of Bihar, Patna.
3. The Director, Administration (Jail), Jail Inspection (Home), Jail Department, Government of Bihar, Patna.
4. Jail Superintendent, Central Jail, Bhagalpur, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh, Advocate

For the Respondent/s : Mr. D.K. Sinha, A.A.G.-2

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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: 12-07-2016

Re.: Interlocutory Application No.2633 of 2015

The application is for condonation of delay of 66 days in filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.602 of 2015

The order dated 26th November, 2014 passed by the learned Single Bench of this Court is subject matter of challenge in the present Letters Patent Appeal.

2. The appellant superannuated on 31st of July, 1999. In the writ application filed on 25th of March, 2014, the appellant prays for the benefit of Assured Career Progression Scheme and to pay monetary benefits. In the counter affidavit, the stand of the State is that the scheme of the Assured Career Progression came into operation on 9th of August, 1999, i.e. after the superannuation of the appellant, therefore, the petitioner is not entitled to the benefit of Assured Career Progression Scheme.

3. In view of the fact that there was no scheme for grant of Assured Career Progression benefit during the period, the appellant was in Government service, he is not entitled to the benefit of Assured Career Progression Scheme. Even otherwise, the learned Single Bench has rightly dismissed the writ application on account of delay and laches. The cause of action, if any, arose when the scheme was framed on 9th of August, 1999, but the writ application has been filed almost 15 years later on 25th of March, 2014. The same suffers from gross

delay and laches and has been rightly dismissed by the learned Single Bench.

4. We do not find any error in the order of the learned Single Bench which may warrant interference in the present intra court appeal. The same is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
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