

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.129 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 11726 of 2015**

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Nitya Nand Chaudhary, S/o Late Harshit Narayan Chaudhary, R/o Moh. - Gokul
Krishna Ashram Road, P.S. Khanzachi Hat, Distt. - Purniea

.... Appellants

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Mines & Geology, Government of Bihar, Patna
3. The Director Mines & Geology, Bihar, Patna
4. The Deputy Director, Mines & Geology, Tirhut Division, Muzaffarpur

.... Respondent/s

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Appearance:

For the Appellant/s : Mr. Sanjeev Kumar, Advocate.
Mr. Binod Kumar, Advocate.

For the Respondent/s : Mr. Ranjan Kumar Singh, AC to PAAG-2.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 29-11-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench on 04th of August, 2015 whereby, the writ application challenging the order of punishment of stoppage of one increment with cumulative effect passed on 23.10.2007 was found to be not maintainable on account of delay and laches.

Against the aforesaid order of punishment, an appeal dated 12.03.2008 was filed which was dismissed on 18.03.2009. But the writ application was filed six years later on 01.08.2015, which the

learned Single Bench has found to be suffering from delay and laches.

We find that an order of punishment is required to be challenged within a reasonable time, but not after delay of more than six years.

In view thereof, 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.

Consequently, the Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

Mishra

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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