

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1635 of 2016
Arising out of
Miscellaneous Jurisdiction Case No. 1879 of 2016**

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Vijay Kumar Singh, Son of Late Bablu Narayan Singh, resident of Village and
P.O.- Kaithi, P.S.- Chautham, District- Khagaria.

.... Appellant

Versus

1. The State of Bihar
2. The Board of Director through Chairman, Bihar State Handloom and Handicrafts Corporation Ltd., Patna.
3. The State of Bihar through the Principal Secretary, Department of Industries, Govt. of Bihar, New Secretariat, Patna.
4. The Principal Secretary, Finance Department, Govt. of Bihar, Old Secretariat, Patna.

.... Respondents

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Appearance:

For the Appellant/s :

For the Respondent/s :

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-12-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 20th July, 2016 passed in M.J.C. No. 1879 of 2016 wherein, the M.J.C. application for recall of the order dated 08.04.2016 was dismissed, as the appellant is seeking the relief with respect to 1997 matter i.e. after 19 years and that merely filing of the representations would not condone the delay in filing of the writ application.

2. The writ application was withdrawn by the petitioner on 08.04.2016. The prayer in the writ application was to grant relief



with regard to denial of promotion as well as monetary benefits after 01.01.1981. It is also mentioned that though the petitioner was given promotion for the post of Accountant-cum-Store Keeper on 03.01.1977, but juniors have been given promotion prior to the appellant. The petitioner admits that he has been promoted to the post of Assistant with effect from 01.01.1981.

3. A perusal of the averments made in the present appeal shows that the appellant had sought to claim higher pay scale from 1987. The writ application was filed in 2013 i.e. almost 26 years later.

4. We find that such claim could not have been entertained in a writ application after many years when the appellant was sleeping over his rights, if any. Thus, the application for recall of the order has been rightly dismissed by the learned Single Bench.

5. We do not find any merit in the present Letters Patent Appeal and accordingly, the same is dismissed.

(Hemant Gupta, ACJ)

(Dinesh Kumar Singh, J)

Mishra/-

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