

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.529 of 2015

IN

Civil Writ Jurisdiction Case No. 2588 of 1997

- =====
1. The State of Bihar through the Commissioner - cum - Secretary, Water Resources Development Department, Sinchai Bhawan, Bihar, Patna
 2. The Joint Secretary to the Government, Water Resources Development Department, Government of Bihar, Sinchai Bhawan, Patna.
 3. The Chief Engineer (Mechanical), Water Resources Development Department, Sinchai Bhawan, Patna
 4. The Superintending Engineer, Water Resources Development Department, Bahuara Project, Mithapur, Patna.
 5. The Executive Engineer, Water Resources Development Department, Bhabhua Project, Noawan, District Bhabhua
 6. The Junior Engineer, Water Resources Development Department, Bahuara Project, Noawan, District Bhabhua

.... Appellant/s

Versus

Ram Surat Ram son of Bansropan Harijan, resident of village Sundar Bahyara, P.O. Nataiyan, P.S. Kudra, District Bhabua, at present working on Muster Roll, Irrigation Pump Project, Sundar Bahuara, district - Bhabua

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Durgesh Nandan, AAG-14

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 01-09-2016

I.A. No. 2350 of 2015 has been filed on behalf of the State for condoning the delay in filing the appeal. In the Interlocutory Application, it is stated that in order to file an appeal, the file having moved through various offices in the Government, came to the office of Advocate General on 13.12.2011 and was assigned to the Additional Advocate General. Thereafter it took time

for drafting and filing and, as such, there is no delay or laches. It is unfortunate that the affidavit is far from truth, inasmuch as, the file having been received in the office of the Additional Advocate General in the year 2011, application for certified copy of the order under appeal was made on 18.12.2014 and received on that day itself. Instead of this, the appeal was then filed on 23.03.2015. What happened in between 2011 to 2014 is not stated. It is a case in relation to regularization of a Class-IV employee, having worked since 1991.

In the facts aforesaid, we are not inclined to condone the delay in filing the appeal. Limitation petition is dismissed. Consequently, the appeal also stands dismissed. The ad interim stay granted by us earlier, stands vacated.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Arjun/Rajesh

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