

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.97 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 20813 of 2013
Along with
Interlocutory Application No. 340 of 2016

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Parmanand Pandey, S/o Late Ambika Pandey, Resident of Mohalla- Laxminarayan
Nagar Bela, P.O. R.K. Ashram Bela, Police Station - Mithanpura, District -
Muzaffarpur

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Secondary Education,
Human Resources Department, Government of Bihar, Patna
2. The Director, Secondary Education, Government of Bihar, Patna
3. The Regional Deputy Director of Education, Darbhanga
4. The District Magistrate, Madhubani
5. The District Education Officer, Madhubani
6. The District Program Officer (Establishment), Madhubani
7. The Block Education Extension Officer, Babu Barhi, District - Madhubani
8. The Accountant General (A & E), Birchand Patel Path, Patna, Bihar.

.... Respondents

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Appearance:

For the Appellant/s : Mr. Binod Kumar Singh, Advocate.
Miss Vagisha Pragya, Advocate.

For the Respondent/s : Mr.

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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: 19-11-2016

Re.: I.A. No. 340 of 2016

This application is for condonation of delay of 1 year
102 days in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
application, we are satisfied that the appellants have shown sufficient
cause to seek condonation of delay of 1 year 102 days in filing the

present Letters Patent Appeal.

Consequently, Interlocutory Application No. 340 of 2016 is allowed and delay of 1 year 102 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 97 of 2016

The order dated 21.07.2014 is the subject matter of challenge in the present Letters Patent Appeal whereby, the writ applicant claiming retiral benefits of his mother who retired on 31.12.1994 by way of filing writ application was dismissed.

After retirement on 31.12.1994, the mother of the appellant died in the year 2009. The appellant filed the present writ application to claim the revised pensionary benefits through a writ application filed in the year 2013.

Learned counsel for the appellant points out that the representation of his mother was accepted partly and the pay was refixed, but the pensionary benefits were not revised.

If that be so, the grievance could be raised by the mother of the appellant during her lifetime. She never invoked the jurisdiction of this Court. After her death in the year 2009, the writ application was filed in the year 2013.

We find that the present writ application was filed due to greed to seek revised pensionary benefits payable to his mother

though the mother never claimed pensionary benefits in her life time.
The claim is hopelessly delayed and lacks bona-fide as well.

In view thereof, the present 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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