

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.156 of 2017**

**In**  
**Civil Writ Jurisdiction Case No.673 of 2015**

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Munna Kumar, Son of Late Jugeshwar Mahto, R/o Village Mahawal, P.O. Mahawal, P.S. Motipur, District Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Secretary cum Health Commissioner, Govt of Bihar, New Secretariat, Patna
3. The Incharge Health Officer, Primary Health Centre, Righa, Sitamarhi
4. The Secretary to Commissioner, Tirhut Division, Muzaffarpur
5. The District Magistrate, Sitamarhi.

... .. Respondent/s

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**Appearance :**

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| For the Appellant/s  | : | Mr. Mani Bhushan Kumar, Advocate    |
| For the Respondent/s | : | Mr. Suryadeo Yadav-AAG 9            |
|                      |   | Mr. Prem Ranjan Kumar, AC to AAG IX |

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 22-11-2017**

**Re.: Interlocutory Application No.5183 of 2017**

Delay of 18 days in filing of the Letters Patent Appeal is condoned.

Interlocutory Application stands allowed and disposed of.

**Re.: Letters Patent Appeal No.156 of 2017**

In dismissing the writ petition filed by the appellant on account of the fact that he kept quite for more than 27 years after attaining majority and raised the claim only at the age of 46 years, the learned Writ Court has not committed any error, particularly in



the light of the fact that in the counter affidavit filed by the State Government, it was clearly stated that way back in the year 1983, the leave encashment amount due was calculated and the petitioner was intimated in May, 1983 to give his bank account. Thereafter, the provisional pension was also sanctioned which was paid up to 1985. Thereafter, when the petitioner did not submit requisite paper for confirmation, the same was withdrawn.

Taking note of all the circumstances, we see no reason to make any indulgence into the matter. The appeal is dismissed.

**(Rajendra Menon, CJ)**

**( Anil Kumar Upadhyay, J)**

Sunil/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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