

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.283 of 2017

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Nageshwari Devi, Wife of Late Tej Narain Rai, Village + Post-Jakhar, Via-Virha,
P.S.-Rosera, District-Samastipur, Bihar

.... Petitioner

Versus

1. The Union of India
2. The Divisional Railway Manager, N/E Rail, Katihar Division, Bihar.
3. The Divisional Account Officer, Railway Division, Katihar, Bihar

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondents No.2 &3: Mr. Anil Kumar Sinha, SC

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-02-2017

Despite repeated calls nobody appears on behalf of the petitioner. Learned counsel for the State is present. Perused the record.

2. The husband of the petitioner, a Havildar, who retired on attaining the age of superannuation on 31st of December, 1992 died on 25th of January, 2016. After his death, the petitioner has filed the present writ petition on 27th October, 2016 before this Court claiming payment of certain dues, which were not paid to her husband at the time of his retirement.



3. Learned counsel for the State submitted that the writ application is fit to be dismissed on the principle of delay and laches.

4. I find substance in the argument of the learned counsel for the State. The deceased employee, who retired on 31st December, 1992 did never raise any claim in respect of any dues during his lifetime. The subsequent claim by the widow is not supported by any explanation for the unreasonable delay of over two decades in pursuing the claim before the Court.

5. Since the deceased employee slept on his rights, no relief can be granted to the petitioner at this belated stage, as equity aids the vigilant, not the sleeping ones.

6. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
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