

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.56 of 2017

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Shashi Chandra, son of Late Suresh Chandra Prasad, resident of Village-Harshpura, P.S.- Daudpur, District- Saran at Chapra, presently resident of Flat No. E/203, Raj Kishori Complex, Mulchand Path, Kanakbarbagh, Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
4. The Joint Secretary, Social Welfare Department, Government of Bihar, Patna.
5. The Special Secretary, Social Welfare Department, Government of Bihar, Patna.
6. The Joint Director, Integrated Child Development Programme, Bihar, Patna.
7. The District Magistrate, Nawada.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Abhimanyu Sharma, Adv.
For the Respondent/s : Mr. Amish Kumar, AC to AAG8

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 25-01-2017 Heard Mr. Abhimanyu Sharma, learned counsel for the petitioner and Mr. Amish Kumar, AC to AAG-8, for the State.

The son has come as a legal litigant espousing the cause of his father to question the punishment order issued vide Notification No. 3091 dated 7.8.2013, impugned at Annexure 7, whereby the father of the petitioner has been imposed a penalty of reduction in the basic scale.

Apart from the fact that the writ petition is suffering from gross laches and delay for an order of penalty dated 7.8.2013 is being questioned after four years, another aspect of the matter



which does not persuade this Court to grant indulgence in the matter or exercise discretionary jurisdiction vested under Article 226 of the Constitution of India is that even when the father of the petitioner did chose to file a defective writ petition to question the penalty order in the year 2014 as manifest from paragraph 43 of the writ petition, he did not pursue the matter till his death on 2.1.2016.

Though Mr. Sharma, learned counsel for the petitioner, informs that the father of the petitioner was ailing but there is nothing on record which would support the fact that for all the two years the father of the petitioner was ill and bedridden that he could not pursue the matter.

Another relevant aspect of the matter is that the deceased employee retired soon after penalty order and has also drawn his retiral benefits.

The aspects of the matter discussed above do not persuade this Court to grant indulgence to the issue raised.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

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