

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.827 of 2016
IN
Civil Writ Jurisdiction Case No. 21383 of 2011
Along with
Interlocutory Application No.3267 of 2016

- =====
1. General Manager- cum- Chief Engineer, Mithila Electricity Supply Area, Darbhanga, Bihar State Electricity Board.
 2. The Superintending Engineer, Electric Supply Circle, Darbhanga.
 3. The Joint Secretary, Bihar State Electricity Board, General Administration Department, Patna.

.... Respondents- Appellant/s

Versus

1. Prem Kumar, son of Late Mahendra Paswan, resident of Village-Supaul, P.o.- Salempur Dumaria, P.S. –Mahua, District-Vaishali.

.... Petitioner- Respondent 1st Set.

2. The State of Bihar.

... ... Respondent /Respondent 2nd Set.

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Appearance :

For the Appellant/s : Mr. Ranjit Sinha, Advocate

For the Respondent No.1: Mr. Abhay Kumar Singh, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2017

Challenge in this appeal under Clause 10 of the Letters Patent is made to an order dated 16.12.2014 passed by the learned Writ Court directing to consider the case of the petitioner-respondent no.1 herein for grant of compassionate appointment. Even though various grounds are raised in the appeal, we find that there is a delay of more than one year and 63 days in filing this appeal. The order impugned was passed on 16.12.2014 when the appellants herein were represented by their counsel and in I.A.



No.3267 of 2016 the delay in filing of the appeal is explained by contending that after the order was passed on 16.12.2014, certified copy was obtained on 21.09.2015, approval for filing Letters Patent Appeal was obtained on 10.02.2015, Letters Patent Appeal was drafted on 22.02.2016 and it was filed on 01.03.2016. There is no explanation as to what action was taken between 16.12.2014 to 21.09.2015 in prosecuting the matter and thereafter between 21.09.2015 up to 10.02.2015 when the draft was prepared and approval sent. The application for condonation of delay does not indicate any cogent justifiable reason for the inordinate delay in filing the appeal. Therefore, we find no reason to condone the delay.

In view of the aforesaid, the appeal stands dismissed.

However, legal question involved in the matter is kept open.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	N. A. F. R.
CAV DATE	N. A.
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