

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2140 of 2016
IN
Civil Writ Jurisdiction Case No. 865 of 2009**

=====

Dr. Harendra Kishore Singh, s/o Late Raghunath Prasad Singh, aged around 80 yrs, resident of 0/61, doctors colony, Kankarbagh, P.S. Kankarbagh, District Patna-800020.

.... Appellant/s

Versus

1. The State of Bihar, through Chief Secretary, Govt. of Bihar, Old Secretariat, Patna.
2. The Secretary, Department of Health Medical Education and Family Welfare, Government of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Department of Health Medical Education and Family Welfare, Government of Bihar, New Secretariat, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Vinod Kumar, Advocate
For the State : Mr. S.D. Yadav- AAG-9
Mr. Prem Ranjan Kumar, AC to AAG 9

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-07-2017

The appellant was working as ad hoc Professor, Head of the Department, Patna Medical College and Hospital in the Department of Ophthalmology in the year 1999 and contending that certain dues payable to him since 1998 have not been paid and after his retirement in the year 1999 initiated proceedings by filing the writ petition in the year 2009. On 24.6.2011 the learned Writ Court found that after his retirement in 1999 initiating proceedings by filing writ petition in the year 2009 amounts to inordinate delay. On



these grounds the Writ Court did not interfere into the matter. After the writ petition was dismissed on 24.6.2011 the appellant again went into a deep slumber for five years and 118 days and filed this appeal against the order dated 24.6.2011 contending that the appellant is a senior citizen of more than 80 years and he could not take steps in time to file the appeal.

We find that there is inordinate delay not only in initiating proceedings for the grievance by filing the writ petition but also in filing this appeal and the reasons indicated by the appellant are not sufficient enough to condone the inordinate delay. Merely because the appellant had been representing the matter, the delay in filing the appeal cannot be condoned.

In view of the above, we find no ground to make interference in the matter. The appeal is dismissed.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.7.2017
Transmission Date	

