

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1480 of 2015  
Arising out of  
Civil Writ Jurisdiction Case No. 18217 of 2012**

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Pitambar Rai, Son of Late Nirsu Rai, resident of village- Meyari, P.S. Sarai Ranjan,  
District Samastipur

.... .... Appellant

Versus

1. The Union of India
2. The State of Assm, through its Deputy Secretary, Home Department, Dispur, Gauhati- 06
3. The Accountant General (A & E), Assam Maidamgaon, Beltola, Gauhati- 781029
4. The Accountant General (A& E), Bihar Virchand Patel Patna, Patna
5. The Treasury Officer, Samsatipur, Bihar
6. The State of Bihar through its Home Secretary, Bihar Govt., Patna

.... .... Respondent/s

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**Appearance:**

For the Appellant/s : Mr. Hare Krishna Prasad, Advocate.

For the Respondent/s : Mr.

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE**

**And**

**HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

**ORAL JUDGMENT**

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

**Date: 12-01-2017**

**Re.: I.A. No. 6611 of 2015**

This application is for condonation of delay of 23 days  
in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory  
application, we are satisfied that the appellant has shown sufficient  
cause to seek condonation of delay in filing the present Letters Patent  
Appeal.

Consequently, Interlocutory Application is allowed and



delay in filing the Letters Patent Appeal is condoned.

**Re.: L.P.A. No. 1480 of 2015**

The petitioner had claimed the retiral benefits in the writ application filed. Such benefits have been admittedly paid. The grievance of the appellant is that the he has been tortured while not paying the retiral benefits soon after his retirement.

If the appellant claims that he has been tortured, the claim of the appellant for damage lies with the Civil Court and not in the writ application and when no such prayer was made in the writ application.

Accordingly, the Present Letters Patent Appeal is dismissed.

**(Hemant Gupta, ACJ)**

**(Dinesh Kumar Singh, J)**

Mishra

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