

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.460 of 2016

IN

LPA 370 of 2012

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Harnandan Singh, son of Late Harsahay Singh, resident of Village- Nizam Chak,
P.S.- Dighwara, District- Saran.

.... Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Department of Water Resources (Minor Irrigation), Government of Bihar, Patna.
2. Commissioner-cum-Secretary, Department of Finance, Government of Bihar, Patna.
3. Deputy Secretary, Department of Water Resources, Minor Irrigation, Government of Bihar, Patna.
4. Joint Secretary, Department of Water Resources (Minor Irrigation), Government of Bihar, Patna.
5. Engineer-in Chief-cum-Project Co-ordinator, Tubewell Project, Department of Minor Irrigation, Government of Bihar, Patna.
6. Superintending Engineer, Tubewell Circle, Muzaffarpur.
7. Executive Engineer, Tubewell Division, Muzaffarpur.
8. Bhagwan Choudhary, son of Late Bhubneshwar Choudhary, resident of Village- Randiha, P.S. and District- Buxar.
9. Jagdish Yadav, son of Late Tinu Yadav, resident of Village- Amahi, P.S.- Manigachhi, District- Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shiv Kumar, Advocate.

For the Respondents : Mr. Durgesh Nandan, AAG-14

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

And

HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH)

Date: 22-03-2017

I.A. No. 1904 of 2017

The present interlocutory application has been filed under Section 5 of the Limitation Act for condonation of delay of more than two years in preferring the civil review application



against the order dated 21.04.2014 passed in Letters Patent Appeal No. 370 of 2012.

2. Heard Mr. Shiv Kumar, learned advocate for the petitioner.

3. The only ground on which the petitioner seeks condonation of delay is that in case of another similarly circumstanced employee, this Court in LPA No. 824 of 2012 allowed his prayer vide order dated 19.01.2015 which has not been interfered with by the Supreme Court in Special Leave Application. No other ground has been advanced by the learned counsel for the petitioner in the present application in course of argument.

4. We are of the view that no justifiable ground is available to the petitioner in the present application for condoning the inordinate delay caused in filing the review application. There was absolute lack of *bona fide* on his part. In the facts and circumstances of the case, LPA No. 824 of 2012 was allowed by this Court on 19.01.2015 whereas the petitioner has filed the present review application on 17.10.2016. If the petitioner was seeking parity with some other employee whose case was allowed vide LPA No. 824 of 2012, there was no justification as to why the review application was filed after 21 months of disposal of LPA No. 824 of 2012. That apart, simply because some relief has been



granted to an employee in some other case, the same cannot be a ground for seeking review of the order passed in a different case.

5. In that view of the matter, we are of the view that the petitioner was negligent and has not acted diligently in filing the review application. Accordingly, the application for condonation of delay in preferring the review application is rejected.

6. Consequently, Civil Review No. 460 of 2016 also stands dismissed.

(Ashwani Kumar Singh, J)

Md. Ibrarul/-

(Vikash Jain, J)

AFR/NAFR	NAFR
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