

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1773 of 2015

In
Civil Writ Jurisdiction Case No. 19996 of 2011

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1. The Bihar State Food And Civil Supplies Corporation Limited through its Managing Director, Sone Bhawan, Birchand Patel Path, Patna.
2. The Chief of Claim, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Birchand Patel Path, Patna.

.... Appellant/s

Versus

1. Randhir Dubey son of Late Rameshwar Sharma resident of village & Post Alawalpur, P.S. Gaurichak, District Patna.
2. The Accountant General, Bihar at Patna having its office at Birchand Patel Path, Patna - 1.
3. The District Manager, Bihar State Food & Civil Supplies Corporation Ltd., Palamu.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh
For the Respondent/s : Mr. Nagendra Dubey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 18-01-2017 The Court is not satisfied with the reasoning assigned for the delay of 133 days indicated in I.A. No.7941 of 2015. In fact, on a reading of the said petition the Court cannot even understand as to the reason for the said delay because the whole petition is jumbled up and garbled.

Even if the delay is condoned, there is no occasion for this Court to interfere with the order of the learned Single Judge for the reason that the Corporation has chosen not to defend itself at any stage of time despite indulgence shown to it and opportunity granted to file



counter affidavit, which was not availed of for more than three years.

From the materials available on record two things are of significance, one that the appellant retired on 31.8.2009, may be from the office of Bihar State Food and Civil Supplies Corporation located at Palamau but then the said Corporation was not bifurcated into Bihar and Jharkhand Food Supplies Corporation till 1.2.2011. Annexure- 5 annexed by the appellant itself indicates that position.

This Court will not allow the appellant to build up its case de novo when they had nothing to offer before the learned Single Judge.

The appeal lacks merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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