

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12377 of 2014

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Binod Kumar Son of Late Ramji Mahto, resident of Village+ P.O.- Lodipur, P.S.-
Menhus, District- Sheikhpura.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Munger.
3. The Circle Officer, Sadar Anchal, Munger.
4. The Treasury Officer, Munger.
5. The District Provident Fund Officer, Munger.
6. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Nandan Prasad, Advocate
For the State : Mr. Subash Prasad Singh, GA-3
For Accountant General : Mr. L. P. K Rajgrihan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 21-03-2017

The instant writ application has been filed by the petitioner, who is 59 years old for grant of retiral dues of his father, who died on 29.09.1982.

2. The contention of the petitioner is that his mother died on 04.01.2001 and after her death, he, being the sole surviving son, is entitled to receive the pensionary benefits of his father.

3. Learned counsel for the State has contested the



matter by submitting that the application is fit to be dismissed on the principle of delay and laches alone.

4. I find substance in the argument of learned counsel for the State. A stale claim after more than 35 years of cause of action cannot be allowed to be raised before this Court in its extraordinary writ jurisdiction and too without assigning any plausible explanation for the inordinate delay caused in filing the writ application.

5. Accordingly, the writ application is dismissed on the principle of delay and laches.

(Ashwani Kumar Singh, J)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
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