

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1491 of 2013
IN
Civil Writ Jurisdiction Case No. 109 of 2013**

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Dr. Krishna Kumar S/O Late Sarjoo Prasad Gupta, Resident Of Mohalla - Arya
Kumar Road, Bhagwat Lane, P.S. Kadam Kuan, District - Patna

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Health Department, Govt. of Bihar, Patna
2. Principal Secretary, Health Medical Education and Family Planning, Govt. of Bihar, Patna
3. Director, Provident Fund Bihar, Patna
4. Director, Provident Fund, Govt. of Bihar, Patna
5. District Provident Fund Officer, Patna
6. Director in Chief Health Services, Bihar, Patna
7. Superintendent, P.M.C.H., Patna
8. Civil Surgeon Cum Chief Medical Officer, Patna
9. Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Prasad, Senior Advocate
Mr. Pramod Kumar, Advocate
Mr. Dharendra Kumar, Advocate
For the Respondent/s : Mr. Ajeet Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 24-03-2017

From the facts that have come on record, it is clear that the appellant, a doctor, went on study leave to England. The leave was granted up to 22.06.1993. He did not join. The learned Writ Court has dismissed the writ petition on account of inordinate delay and laches by so observing :

“It is evident from the pleadings as well



as the counter affidavit that after return of the petitioner from U.K. on an extended study leave on 22.6.1993 and formality of giving his joining thereafter, he has never bothered to approach the authority for a regular posting till he retired on 30th April, 2007. There is a long gap in the service of the petitioner before the respondents. Unless this issue is resolved as to what is required to be done, there cannot be any direction for payment of retiral dues at this stage.”

In doing so, no error has been committed by the learned Writ Court warranting consideration.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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