

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.729 of 2016
In
Civil Writ Jurisdiction Case No.5859 of 2011**

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Nandlal Sah, Son of Shri Ramchandra Sah, R/o village - Hansa, P.S. Waris Nagar,
District – Samastipur.

.... Appellant/s

Versus

1. The State of Bihar through the Secretary Department of Welfare-cum Social Welfare, Bihar, Patna.
2. The Director, Welfare, Bihar, Patna.
3. The Director, Social Welfare, Bihar, Patna.
4. The Deputy Director Welfare Darbhanga, Commissioner, Darbhanga.
5. The Sub - Divisional Welfare officer, Rosra.
6. The Employment Officer, Samastipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-05-2017

Re.: Interlocutory Application No.3428 of 2016

The delay in filing of this Appeal is condoned.

Interlocutory Application stands disposed of.

Re. : Letters Patent Appeal No.729 of 2016

Seeking exception to an order dated 29.02.2016 passed by the learned Writ Court in CWJC No.5859 of 2011; this appeal has been filed under Clause 10 of the Letters Patent.

Challenge in the writ petition was made for quashing of an order dated 22.08.1996 passed by the Department, whereby payment of



salary to the petitioner was stopped and he was prevented from working. Earlier, the petitioner filed a writ petition being CWJC No.4020 of 1997 which was disposed of on 09.03.1998 directing the Department to conclude the enquiry within a specified time. Even after the disposal of the matter in the year 1998, the petitioner stood satisfied by representing to the Department and did not challenge the order passed on 22.08.1996 stopping his salary. As a writ petition challenging the order passed in the year 1996 was filed in the year 2011, the learned Writ Court dismissed the writ petition by holding that after delaying of so many years; the matter cannot be looked into.

Even though, learned counsel for the petitioner tried to indicate that in case of another employee, namely one Sri Devanand Choudhary, certain benefit was granted to him vide order passed in Civil Writ Jurisdiction Case No.7884 of 1999 on 18.03.2004, we find that Devenand Chaudhary challenged the order dated 25th October, 1996 immediately after his representation was rejected in the year 1999 and even after his petition was decided on 18.03.2004, the petitioner kept quiet for more than seven years and approached this Court only in the year 2011 and after taking into consideration all these circumstances, the writ petition was dismissed on account of inordinate unexplained delay, accordingly, we see no reason to make any indulgence into the matter. The petitioner has not been vigilant with his right and having



approached the Court after inordinate period of delay and was satisfied only by submitting repeated representations to the Department, which cannot be a ground to condone the inordinate delay. We see no reason to make any indulgence into the matter. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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