

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1735 of 2015

IN

Civil Writ Jurisdiction Case No. 25390 of 2013

- =====
1. The State Of Bihar through the Commissioner-Cum-Secretary, Public Health Engineering Department, Government Of Bihar, Patna
 2. The Commissioner-Cum-Secretary, Public Health Engineering Department, Government Of Bihar, Patna
 3. The Engineer In Chief, Public Health Engineering Department, Government Of Bihar, Patna
 4. The Chief Engineer, Public Health Engineering Department, Government Of Bihar, Patna.
 5. The Superintending Engineer, Public Health Engineering Department, Government Of Bihar, Patna
 6. The Executive Engineer, Public Health Division, Munger
 7. The Sub-Divisional Engineer, Public Health Division, Kharagpur, Munger
 8. The Accountant General, Bihar, Patna

.... Appellants

Versus

1. Sona Devi W/O Late Chakradhar Jha R/O Village- Kasba, P.S.- Tarapur, P.O.- Manikpur, District- Munger

.... Respondent

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Appearance :

For the Appellant/s : Mr. Kameshwar Kumar, G.P.-17
Mr. S.K. Ranjan, AC to G.P.-17

For the Respondent/s : Mr. U.B. Ray, Adv.
Mr. Ambrish Kumar Jha, Adv.
Mrs. Shashi Priya Pathak, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 10-04-2017

In the matter of payment of family pension to a widow lady, whose husband had worked in the state service for more than 28 years, the learned writ court has granted benefit of family pension. Whereas the State Government had taken a policy decision to grant



pension from the year 2013. Challenging the same, this appeal has been filed by the State. We find that there is delay of more than 350 days in filing of this appeal and I.A. No. 7841 2015 except for contending that after orders were passed in writ petition on 02.09.2014, the matter was referred for opinion and action to be taken. No reasonable justification for the delay is pointed out. The judgment was rendered on 02.09.2014 and after 02.09.2014, the department slept over the matter. It was only after more than two months on 25.11.2014 when widow lady sought implementation of the order that the department authority woke up and forwarded the file for opinion on 01.12.2014 the matter was referred to the executive engineer who kept the matter pending for about one month and on 29.12.2014 sought for legal opinion. The file was moved for legal opinion on 07.01.2015 and from 07.01.2015 again the matter was kept pending for more than four months up to 11.05.2015 for obtaining legal opinion and after the legal opinion was obtained on 12.05.2015, this appeal has been filed on 17.09.2015 i.e. again after a period of four months. All these delays between 07.09.2014 up to 25.11.2015, between 29.12.2015 up to 07.01.2015, from 07.01.2015 up to 11.05.2015 and thereafter from 12.05.2015 up to 17.09.2015 have not been properly explained. There has been total negligence and carelessness on the part of state government in dealing with the



matter.

Taking note of all the circumstances, we see no reason to make any indulgence. No reasonable justification of delay having been made out I n the application.

The application stands dismissed and subsequently, the appeal is also dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
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