

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.990 of 2016
IN
Civil Writ Jurisdiction Case No. 1640 of 2012**

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Rajiv Kumar, Son of Late Uma Shankar Prasad, Resident of Rajendra Niwas,
Tarachand Lane, Sadar Bazar, Jamalpur, At, P.O.- Jamalpur, District- Munger

.... Appellant/s

Versus

1. The Union of India through the General Manager, Eastern Railway, 17, Netaji Subhash Road, Kolkata-700001
2. The Divisional Railway Manager, Eastern Railway, Malda
3. The Senior Divisional Engineer-2, Eastern Railway, Malda
4. Senior Divisional Commercial Manager, Eastern Railway, Malda Town
5. A.D.R.M., Eastern Railway, Malda Town, Malda

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dharendra Nath Jha, Advocate

For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

Mr. Abhimanyu Deo, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-04-2017

Deduction made by the Railway administration on 14.08.1986 to the tune of Rs.38,823.28/- was challenged by the petitioner by filing a writ petition after 22 years and finding that the claim made is barred by principle of delay and laches the learned Writ Court has dismissed the writ petition.

Learned Counsel emphasized that right from 02.02.1989 up to 15.06.2010 the petitioner had been representing the matter and as the representations were not decided the learned Writ Court committed an error in dismissing the writ petition.



Repeated representations and communications made will not absolve the petitioner from help in overcoming the effect of delay and laches as held by the Supreme Court in the case of S.S. Rathore v. State of M.P., AIR 1990 Supreme Court 10 and, therefore, we see no reason to interfere into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	07.04.2017
Transmission Date	

