

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.334 of 2014

Arising out of

L.P.A. No. 1080 of 2011

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Lalita Prasad Singh, Son of Late Harihar Nath Singh, R/o Mohalla Abadganj,
P.O.+P.S.-Daltonganj, District Palamau (Jharkhand)

.... Petitioner/s

Versus

1. Government of Bihar through the Secretary, Department of Water Resources, Bihar, Patna
2. The Deputy Secretary, Department of Water Resources Bihar, Patna
3. The Chief Engineer, Irrigation Department, Aurangabad, Bihar
4. The Chief Engineer, Minor Irrigation Department, Muzaffarpur, Bihar
5. The Superintending Engineer, Minor Irrigation, Muzaffarpur, Bihar
6. The Superintending Engineer, Barage Circle, Mohammadganj, Palamau, Jharkhand
7. The District Magistrate, Sitamarhi, Bihar
8. The Deputy Commissioner Palamau at Medininagar Jharkhand
9. The Executive Engineer, Minor Irrigation Division, Sitamarhi, Bihar
10. The Executive Engineer, North Koyal Canal Division, Mohammadganj, Palamau (Jharkhand)
11. The Accountant General, Birchand Patel Path, Patna-800001 Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma, Advocate

For the Respondent/s : Mr. Anuj Kumar, A.C. to G.P. 24

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 21-02-2017

The present Review Application is accompanied with

I.A. No. 7575 of 2014 seeking condonation of delay of three years

one month and seven days in filing the review application.

2. The petitioner has sought review of the order passed

by this Court on 3rd of August, 2011 in L.P.A. No. 1080 of 2011 on



the ground that he was mentally disturbed and undergoing treatment at Rajendra Institute of Medical Sciences, Ranchi. However, the petitioner has not attached any record of the said hospital of his treatment and the fact that he was totally incapacitated to take any decision for himself.

3. Be that as it may, we have heard learned counsel for the petitioner on merits of the review application as well.

4. An order of punishment was passed on 3rd of February, 1999 imposing 25 per cent reduction in pension for one year and recovery of Rs. 75,000/- from his pension and gratuity. Such order of punishment was affirmed in departmental appeal on 17th of April, 1999 as well. The said order was challenged in a writ application filed in the year 2010.

5. The writ application was filed in the year 2010 i.e. almost after 10 years. The learned Single Bench dismissed the writ application on the ground of delay and laches. The Letters Patent Appeal has also been dismissed finding no error in the finding recorded by the learned Single Bench.

6. Since the order of punishment has been passed after conduct of a regular inquiry, the said order of punishment cannot be interfered with in the matter of quantum of punishment when there is no allegation of any infraction of the procedure of conduct of



departmental inquiry. Still further, the order of punishment has been disputed after 10 years. The said challenge has been rightly found to be suffering from delay and laches.

7. In view thereof, we do not find any merit in the present review petition. The same is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	01.03.2017
Transmission Date	

