

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.62 of 2017

In
Civil Writ Jurisdiction Case No.8399 of 2011

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Shrinarayan Singh, S/o Indrajit Singh, resident of Village- Rupdih, Post-
Rupdih, Dist.- East Champaran, Presently posted as peon in the office of
District Certificate Office, Motihari, East Champaran.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources
Department, Government of Bihar, Patna.
2. The Director, Department of Employment and Training, Government of
Bihar, Patna.
3. The District Magistrate, East Champaran at Motihari.
4. The Additional Collector, East Champaran at Motihari.
5. The District Certificate Officer, East Champaran at Motihari.
6. The Sub Divisional Officer, Sikrahana at Dhaka PO & Police Station- Dhaka,
Dist. - East Champaran.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr Ajay Kumar Sinha
		Mr. Bijay Shankar Choubey
For the Respondent/s	:	Mr. Parijat Saurav AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

11 19-07-2018

Re: I.A.No.2874 of 2018

This interlocutory application has been filed for
condonation of delay of 03 years and 145 days in filing the
appeal.

The entire matter gives a very poor reflection of the
consciousness of the appellant-petitioner towards his right. That
he was not being paid his salary since after 2008, when he was



relieved by the District Magistrate-cum-Collector in the year 2008 to join his parent office with the District Certificate Officer, East Champaran at Motihari, he never bothered to raise any claim for next 03 years by filing the writ petition.

It is informed by Mr. Ajay Kumar Sinha, learned counsel for the appellant-petitioner that he was a Class IV employee posted in the office of the Collector, Motihari. Perusal of the records would confirm that the appellant-petitioner was posted under Bihar Unemployment Token Payment Scheme, 1981-82 as a Class IV employee. The Scheme came to be abolished in 2006. A dispute arose on his continuance since the Scheme had abolished and it is under the order of the Collector that he was directed to join the office of the District Certificate Officer, Motihari, until a final decision was taken in this regard. A decision was taken to adjust the appellant-petitioner on 09.06.2008 and whereafter he was posted at the Industrial Development Authority, Supaul to be placed at Industrial Training Institute, Saharsa. Despite an order to such effect passed on 25.09.2008, whereby the appellant-petitioner was relieved to join Supaul, he failed to join. According to the appellant-petitioner, he was unaware of the transfer order and thus continued in the office of the District Certificate Officer,



Motihari until 2011. It is thus complaining of non-payment of salary under the order of the Collector, East Champaran at Motihari dated 21.08.2007 that a writ petition was filed four years later in the year 2011 and came to be disposed of under the order of the learned Single Judge, passed in CWJC No. 8399 of 2011, whereby, while upholding the part of the claim for salary, the learned Single Judge has not approved any payment after 2008, i.e., when the order of relieving was passed.

Records do confirm that it is four years since the cause of action, if any, arose for payment of salary that the appellant-petitioner luxuriously chose to move in the writ petition in the year 2011 and even though he was partly dissatisfied by the order of the learned Single Judge passed on 24.07.2013, he has yet taken more than three years to come in appeal relying upon two medical prescriptions which are of January, 2014 and August, 2015. These medical prescriptions yet do not explain what the appellant-petitioner was doing in between July, 2013 to January, 2014 i.e. between the date of disposal of the writ petition on 24.07.2013 until January, 2014 or even after August, 2015, when he was certified fit for normal duty. The appeal, in question, has been filed more than a year and a half later in January, 2017.



Considering the luxurious manner in which the appellant-petitioner has been pursuing his remedy, we are neither satisfied with the reasons assigned in the limitation petition filed in the Letters Patent Appeal for condonation of delay nor we do find any infirmity in the opinion expressed by the learned Single Judge.

Consequently, the limitation petition bearing I.A. No. 2874 of 2018 is dismissed and resultantly this Letters Patent Appeal is also dismissed.

(Jyoti Saran, J)

(Chakradhari Sharan Singh, J)

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