

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19890 of 2016**

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Vijay Kumar Singh S/o Late Basudeo Singh, Resident of Village-Lambua Bahra,  
P.S. Amas, District-Gaya

.... .... Petitioner

Versus

1. The Chief Engineer, Eastern Railway Kolkatha 17 Netaji Subhash Road, Kolkatha
2. The Deputy Chief Engineer, Eastern Railway, Kolkatha 17 Netaji Subhas Road Kolkatha
3. The Divisional Railway Manager, E.C. Railway, Mungalsarai
4. The Divisional Railway Engineer (S) Eastern Railway Mungalsarai
5. The Assistant Divisional Account Officer, Eastern Central Railway Mughalsarai
6. The Sr. Divisional Engineer (Co-Order) Eastern Railway Mughalsarai
7. The Assistant Town Engineer Eastern Railway, Gaya

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Rabindra Prasad Singh, Advocate.  
For the Railways : Mr. Anil Kumar Sinha, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 28-06-2018**

Heard learned counsel for the petitioner and learned  
counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to pay an amount of Rs. 3,91,198/- earnest money with interest to the petitioner in respect of contractual work done by the petitioner.

3. At the very outset, a preliminary objection was raised on behalf of the respondent-Railway to the effect that the agreement between the parties was entered into as far back as in the year 1996 and work order was issued in the year 1998. The work done by the petitioner was verified by the respondents on 13.08.2004. If the petitioner claims payment of any outstanding dues, he has approached



this Court after considerable delay of about 12 years by filing the present writ petition in the year 2016.

4. Learned counsel for the petitioner submits in this regard that several representations had been filed before the respondents who had assured to make payment of the dues of the petitioner.

5. Having heard the parties and on consideration of the materials on record, this Court is of the view that the petitioner has not acted with due diligence in seeking remedy before this Court. It is well settled that mere filing of representations before the authorities does not absolve the petitioner of laches and delay. No satisfactory clarification whatsoever has been offered by the petitioner to explain the inordinate delay of about 12 years in approaching this Court for redressal of his grievances which arose in the year 2004 itself. It is therefore clear that the petitioner is pursuing a stale claim which this Court is not inclined to entertain.

6. The writ petition accordingly stands dismissed.

**(Vikash Jain, J)**

Md. Ibrarul/BT

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