

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4649 of 2011

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1. Krishna Ballabh Prasad Sinha S/O Late Deonath Pd. Sinha R/O Mohalla-Sheopuri, Navachetna Path, P.S.- Gardanibagh, District - Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary Water Resources Department (Minor Irrigation), New Secretariat, Bihar, Patna
3. The Secretary Minor Irrigation (Water Resources Department), Bihar, Patna
4. Joint Secretary Minor Irrigation Department, Patna
5. Chief Engineer (South), Tube-Well Section, Patna
6. Superintending Engineer, Tube Well Circle, Gaya
7. Executive Engineer, Tube-Well Division, Jehanabad
8. Executive Engineer, Tube-Well Division, Nawada

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Kishore Prasad Sinha, Adv.

For the Respondent/s : Mr. Abhay Shankar Jha SC14

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-05-2017

None appears on behalf of the petitioner.

Mr. Rakesh Prabhat, learned A.C. to S.C. 21 submits that the punishment order bearing Memo No.262 is dated 22.1.2003 and although the petitioner claims to have filed an appeal in 2003 but he never took any legal recourse until filing of the writ petition in 2011 i.e. 8 years since the impugned order was passed and 4 years after his superannuation on 30.6.2007. He submits that the appellate order was also passed in 2006, a copy of which has been placed on record at Annexure-12 of I.A.No.284 of 2013 bearing Memo No.6114 dated



13.12.2006 which reflects that the appeal of the petitioner already been rejected earlier in 2003. It is stated by Mr. Prabhat that the order has already been taken its effect as the recovery has been effected from the petitioner.

Having heard learned counsel for the State and having perused the records, I am of the opinion that apart from the fact that there is a gross delay on the part of the petitioner in questioning the punishment order for even though an appeal was filed in 2003, there appears no justifiable reason for the petitioner to await its outcome for all the 8 years and even 4 years after his retirement. The writ petition suffering gross laches and delay has been leisurely filed and warrants no indulgence at such belated stage. It is settled law that a writ remedy is available for only vigilant litigants and not those who have slept over their rights.

The writ petition is disposed of

(Jyoti Saran, J)

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