

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No. 182 of 2019

In
Civil Writ Jurisdiction Case No.19890 of 2016

=====

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

... .. Appellant/s

Versus

1. The Chief Engineer, Eastern Railway and Ors Kolkatha,17 Netaji Subhash Road, Kolkatha.
2. The Deputy Chief Engineer, Eastern Railway, Kolkatta.17, Netaji Subhash Road, Kolkatta.
3. The Divisional Railway Manager, Eastern Railway Munghal Sarai.
4. The Divisional Railway Engineer(S) Eastern Railway Mungalsarai.
5. The Assistant Divisional Accounter Officer, Eastern Central Railwaya Mungalsari.
6. The Sr. Divisional Engineer (Co-Order) Eastern Railway Mungalsarai.
7. The Assistant Town Engineer Eastern Railway Gaya.

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr.Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr. Anil Kumar Sinha, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.

Date : 02-09-2021

Heard learned counsel for the parties.

Being aggrieved by judgement and order dated
28.06.2018 passed in C.W.J.C. No. 19890 of 2016 passed by
learned Single Judge of this Hon'ble Court, appellant/petitioner
has preferred this L.P.A.

Briefly stated, the facts of the case is that appellant is a Contractor and had entered into agreement with Railways on 28.10.1996 for development of pilgrim siding and raising of platform at Gaya Station and had completed the work within stipulated time and work was verified on 13.08.2004 but amount due was not paid to appellant, for which he made several representation but no action was taken on his representation, as such, he approached this Court under its writ jurisdiction for payment of his due amount i.e. Rs. 3,91,198/- as well as refund of earnest money and registration amount which was dismissed by the learned Single Judge on ground of inordinate delay and laches, relevant paragraph no. 5 of order passed by the learned Single Judge is reproduced below:-

“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.”*

After hearing counsel for the parties and considering the materials available on records, this court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court.

There is no merit in the L.P.A. and is accordingly dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA