

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.616 of 2019

In
Civil Writ Jurisdiction Case No.16494 of 2016

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1. The State of Bihar Through the Principal Secretary, Public Health Engineering, Government of Bihar, Patna.
 2. The Principal Secretary Public Health Engineering, Government of Bihar, Patna.
 3. The Engineer -in- Chief -cum- Special Secretary Public Health Engineering Department, Government of Bihar, Patna.
 4. The Chief Engineer (Mechanical) Public Health Engineering Department, Government of Bihar, Patna.
 5. The Zonal Chief Engineer Bhagalpur Zone, Department of Public Health Engineering, Bihar, Patna.
 6. The Superintending Engineer Public Health Engineering Circle, Begusarai.
 7. The Superintending Engineer Public Health Engineering Circle, Saharsa.
 8. The Executive Engineer Public Health Engineering Division, Khagariai.

... .. Appellant/s

Versus

1. Rajendra Yadav Son of Late Domi Yadav Resident of Village- Shani Tola, Ward No. 15, Post - Simri Bakhtiyarpur, District- Saharsa.
2. The Principal Secretary Finance Department, Government of Bihar, Patna.
3. The Principal Secretary General Administration Department, Government of Bihar, Patna.
4. The District Accounts Officer Khagariai.
5. The Treasury Officer Khagariai.
6. The Accountant General (A and E) Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. S. Raja Ahmad, AAG-5

Mr. Alok Ranjan, AC to AAG-5

For the Respondent/s : Mr.



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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 04-09-2021

Re: I.A. No. 1 of 2019

The instant Interlocutory Application has been filed for condonation of delay of **2 years and 53 days** in filing the present appeal.

Without application of mind, in a stereo type manner, the application has been prepared, bereft of material facts and particulars, explaining each day's delay.

Relevant portions of the application are reproduced as under:- “



11. That after receiving of the statement of facts on _____ the file has been placed before Departmental Secretary for approval of statement of fact.

12. That the departmental secretary has approved the statement of facts on _____.

13. That on _____ the file has been sent to the law department for obtaining necessary consent for filing of LPA.

14. That on _____ the file has been sent by the Law Department to the office of Learned Advocate General.

15. That the Learned Advocate General, has endorsed the file to the office of Learned _____ on _____.

16. That it is stated from the fact stated above that delay occurred due to process of official decision and not due to deliberate or wilful latches on the part of the appellants and such delay is fit to be condoned.

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As such, we do not find any reason, sufficient enough to condone the delay, for each day's delay has not been explained, much less sufficiently explained by the appellants.



The delay of **2 years and 53 days** in filing the appeal remains unexplained.

As such, Interlocutory Application No. 1 of 2019 stands dismissed.

Re: L.P.A. No. 616 of 2019

Appellants lay challenge to the impugned judgment dated 23rd of February, 2017 passed by a learned Single Judge of this Court in CWJC No. 16494 of 2016, titled as Rajendra Yadav Vs. The State of Bihar & Ors.

In view of dismissal of the Interlocutory Application No. 1 of 2019, the instant Letters Patent Appeal also stands dismissed.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/P.K.P.

AFR/NAFR	
CAV DATE	
Uploading Date	08.09.2021
Transmission Date	

