

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.702 of 2019

In
Civil Writ Jurisdiction Case No.6325 of 2018

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1. The State of Bihar through the Principal Secretary, Department of Finance, Bihar, Patna.
 2. The Director, Provident Fund Directorate, Finance Department, Govt. of Bihar, Pant Bhawan, Bailey Road, Patna.
 3. The District Provident Fund Officer, Nawada.
 4. The Block Development Officer, Mehasi Block, Mehasi, District- East Champaran.

... .. Appellant/s

Versus

1. Dr. Parasnath Singh, Son of Ram Dheni Prasad @ Singh, resident of Shani Kunj, New Area, Sikandarpur, Yehiapur, P.S. and District- Muzaffarpur.
2. The Accountant General, Bihar Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Parijat Saurav, AC To AAG- 10
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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.)

Date : 04-09-2021

Re: I.A. No. 1 of 2019

The instant Interlocutory Application has been filed
for condonation of delay of **133 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:-

“ 7. That it is stated that on 13.2.2019 the statement of facts for preferring appeal was prepared and thereafter the typed

copy of the memo of appeal along with its annexure was sent to the Principal Secretary, Finance Department, Govt. of Bihar for his approval and order for filing Letters Patent Appeal against the order dated 4.1.2019 passed in CWJC No.6325 of 2018 which was approved by the Secretary (Expenditure), Finance Department Government of Bihar on 2.3.2019.

8. That thereafter on 5.3.2019 the memo of appeal along with its annexure was sent to the Law Department seeking opinion for filing of Letters Patent Appeal.

9. That on 20.3.2019, the Incharge Secretary-Cum-Legal Remembrance, Law



department, Govt. of Bihar sent the file and memo of appeal to the learned Advocate General, Bihar seeking opinion for filing of memo of appeal against the order dated 4.1.2019 passed in CNJC no.6325 of 2018.

10. That on 03.04.2019 the opinion for filing of Letters Patent Appeal from the office of the learned Advocate General, Bihar was forwarded to the Law Department, Govt. of Bihar.

11. That on 8.4.2019 the Law Department, Government of Bihar returned the file to the Finance Department, Government of Bihar giving its consent for filing of Letters Patent Appeal.

12. That on 10.4.2019 the Finance Department, Government of Bihar sent back the file along with opinion of Law Department to the GPF Directorate office and preparing the statement of facts for petition for condonation of delay. The statement of facts for petition for condonation of delay and stay petitioner was prepared and the file was sent to the Law department on 08.05.2019. The file was then sent to the office of the Advocate General on the same date.

13. That from the office of the Advocate General, the file was marked to the office of the A.A.G.-10 on 09.05.2019.

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 **133 days** in filing the appeal remains unexplained.

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

Re: L.P.A. No. 702 of 2019

Appellants lay challenge to the impugned judgment dated 4th of January, 2019 passed by a learned Single Judge of this Court in CWJC No. 6325 of 2018, titled as Dr. Parasnath Singh 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. In any case, we find no merit in the appeal.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	08.09.2021
Transmission Date	

