

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1009 of 2019

In
Civil Writ Jurisdiction Case No.19680 of 2016

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1. Allahabad Bank Through Its General Manager Allahabad Bank, Allahabad Main Branch, 14, Indian Exchange Place, PS- Kasba, Kolkata- 700 001,
 2. The Assistant General Manager, Allahabad Bank, Allahabad Main Branch, 14, Indian Exchange Place, P.S.- Kasba, District- Kolkata, Pin Code- 700 001.
 3. The Branch Manager, Allahabad Bank, Debadh Branch, Ghoghardiha, P.S.- Ghoghardiha, Madhubani, District- Madhubani, Pincode- 847402.
 4. The Branch Manager, Allahabad Bank, Kharkharee Branch, PS- Kharkharee, District- Dhanbad, Pincode- 826001.
 5. The General Manager, Allahabad Bank, Allahabad Main Branch, 14, Indian Exchange Place, P.S.- Kasba, District- Kolkata, Pin Code- 700 001.

... .. Appellant/s

Versus

Nunu Devi W/o Late Kaushal Kumar Jha R/o Vill.- Maubehat, P.O.-
Mauabehat via Putai, P.S.- Manigachi, Distt.- Darbhanga.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amaresh Kumar Sinha, Advocate
Mr. Dayanand Singh, Advocate
Ms. Sivangi, Advocate

For the Respondent/s :

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: L.P.A. No. 1009 of 2019

Appellants lay challenge to the impugned order dated 8th of January, 2019 passed by a learned Single Judge of this Court in CWJC No. 19680 of 2016, titled as Nunu Devi Vs. Allahabad Bank through its General Manager, Allahabad Bank & Ors.

We are dealing with a private party whose husband, a Class-IV employee, died in harness. She has been running from pillar to post to get the dues of her late husband. In the year 2016, she filed a petition before this Court, which came to be allowed vide impugned order dated 8th of January, 2019.

The impugned order, in toto, is extracted as under:-

“Heard learned counsel for the petitioner and the learned counsel for the Allahabad Bank.

Petitioner prays for family pension and arrears of pension of her husband, who died in harness on the post of Peon-cum-Frash in the Allahabad Bank, Debadh Branch, Ghoghardiha, Madhubani, on 25.10.2009. In the year 2010 petitioner was directed to deposit Rs.4,78,144/-, which was amount taken by the deceased employee, which she did not deposit, hence, family pension and arrears of pension has not been processed. In the writ



application, the petitioner in paragraph 7 has stated that she is ready to deposit the amount fixed by the Bank so that her family pension and arrears of pension is released in her favour.

Considering the submissions of the petitioner, this writ application is **disposed off** with a liberty to the petitioner to file a fresh representation before the respondent no. 3, the Assistant General Manager, Allahabad Bank, Allahabad Main Branch, 14, Indian Exchange Place, Kolkata – 700 001, and upon settling of the dues the family pension and arrears of pension would be processed and paid by the respondent no. 3 within four months from the date of filing of such representation provided the petitioner deposits the amount due against her husband, the late employee.”

We see no reason as to why the Bank ought to have preferred an appeal, more so in the case of widow of a deceased Class-IV employee.

As such, we dismiss the Letters Patent Appeal.

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

Re: I.A. No. 1 of 2019

The instant Interlocutory Application has been filed



for condonation of delay of **30 days** in filing the present appeal.

However, the Registry has notified it to be **193 days**.

We find that the delay in filing the appeal has not been explained, much less sufficiently explained.

The relevant portions of the application are reproduced as under:-

“5. That the appellant bank is an impersonal entity and a juristic person. As such, there was a requirement of consultations and deliberations at different levels, vertical and horizontal, to arrive at a decision. The process took some time in taking decisions, resulting in some delay in the filing of the instant memo of appeal.

6. That the appellants first pursued the remedy of civil review and did not emerge successful in the same. As such, the time in pursuing a wrong forum or a wrong remedy may kindly be condoned.

7. That all these resulted in some lapse of time, beyond the period of 30 days, meant for filing the appeal.”

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



appellants. The delay in filing the appeal remains unexplained.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
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