

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1074 of 2019

In

Civil Writ Jurisdiction Case No.15382 of 2018

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1. National Cooperative Consumer Federation Ltd. Govt. of India through its Chairman NCCF, 1992, Officer lying in 3 Sri Institutional Area, NCUI Building August Kranti Marg, Hauz Khash, New Delhi-110016
 2. The Managing Director National Cooperative Consumer Federation Ltd., Govt. of India, Officer lying in 3 Sri Institutional Area, NCUI Building August Kranti Marg, Hauz Khash, New Delhi-110016
 3. The Manager Personal and Administration, NCCF, Officer lying in 3 Sri Institutional Area, NCUI Building August Kranti Marg, Hauz Khash, New Delhi-110016
 4. The Manager Accounts and Finance NCCF, Officer lying in 3 Sri Institutional Area, NCUI Building August Kranti Marg, Hauz Khash, New Delhi-110016

... .. Appellant/s

Versus

Chitranjan prasad Sinha S/o Late Ram Nagina Singh Resident of R.N. Singh Path, Lav-Kush Nagar, Road No. 1, P.s.- Rupaspur, District- patna

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Daya Shankar Prasad Sinha, Advocate
For the Respondent/s : Mr. Ravi Ranjan, Advocate
Mr. Kislay Raj, Advocate

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. 1074 of 2019



Appellants lay challenge to the impugned order dated 15th of May, 2019 passed by a learned Single Judge of this Court in CWJC No. 15382 of 2018, titled as Chitranjan Prasad Singh Vs. The Union of India & Ors.

The impugned order is extracted as under:-

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Heard learned counsel for the petitioner and learned counsel appearing on behalf of the Union of India.

2. Petitioner retired as Assistant Manager from Regional Office, Bangalore, Karnataka on 28.02.2017. In the present writ application, he prays for payment of gratuity and leave encashment with admissible interest.

3. A similar matter has been decided by this Court on 06.05.2019 in CWJC No. 1238 of 2018 (Ganesh Dutt Mishra Vs. The National Cooperative Consumers Federation of India Ltd. & Ors.) wherein it has been observed that in similar matter High Court of Calcutta in WP No. 194 of 2014 in the case of



Kumaresh Das Vs. National Cooperative Consumers' Federation of India Ltd. & Ors. had directed the authorities to release the legitimate dues to the employee with interest @ 8% payable after the date of retirement of the said employee.

4. Consider the aforesaid, this writ application is disposed of with direction to Respondent No. 2, the Managing Director, National Cooperative Consumer Federation India Ltd., Government of India to consider the claim of the petitioner and make payment of leave encashment and gratuity along with interest @ 8% from the date of retirement of the petitioner i.e. 28.02.2017 within a period of three months from the date of receipt/ production of a copy of this order.

”

We do not find any reason sufficient enough to interfere in the present appeal, more so in view of the law laid down by the Hon'ble Apex Court in the case of **Jogendrasinhji Vijaysinghji Vs. State of Gujarat and others, (2015) 9 SCC 1.**

The Writ Court has only directed the petitioner to approach the appellants with a direction to the latter to decide the same, in terms of the earlier decision rendered by this Court. No rights of the party stands adjudicated. We fail to understand



as to why public money is being wasted in filing such appeals further involving forged persons in a protracted litigation.

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 **60 days** in filing the present appeal.

Apart from dismissal of the appeal, we find that the delay of **60 days** in filing the appeal has not been explained, much less sufficiently explained.

Contents of the application, in toto, are reproduced as under:-

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1. That this interlocutory application is being filed for condonation of delay of about 60 days for filing the present appeal.
2. That the petitioner states that the petitioner has no knowledge with regard to filing of the writ petition and order of the Hon'ble Court.
3. That it is stated that the petitioner has first time aware when the respondent No.1 has communicated the order of this Hon'ble alongwith his application.



4. That there after the petitioner obtained the certified copy of writ petition as well as certified copy of order dated 15.05.2019.
5. That there after file was routed through different authorities then they decided to file the present appeal against the order dated 15.05.2015 as the respondent No.1 has obtained the order from the Hon'ble Court suppressing may thing in the writ petition.
6. That the delay is bonafide not the intentional so the petitioner humbly submits that this Hon'ble court may condone the delay and heard the appeal on merit.

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

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



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

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	08.09.2021
Transmission Date	

