

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1133 of 2019

In
Civil Writ Jurisdiction Case No.13982 of 2016

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1. The State Of Bihar through its Principal Secretary, to the Government, P.H.E.D., Bihar, Patna Bisheshwaraiya Bhawan, Bailey Road, Patna.
 2. The Chief Engineer, Mechanical, P.H.E.D., Bihar, patna Bisheshwaraiya Bhawan, Bailey Road, Patna.
 3. The Superintending Engineer, P.H.E. Circle, Patna.
 4. The Executive Engineer, P.H. Division, Patna East, Patna.

... .. Appellant/s

Versus

1. Ramashish Singh Son of Late Rameshwar Singh, resident of village-Kansua, Post office- Ratani Bazar, Police Station Sakurabad, District-Jehanabad, at present residing at Mohalla Devichak, Fatuha, Post office-Fatuha, Police Station- Fatuha, District- Patna.
2. The Accountant General, Bihar, Veerchand Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S. Raza Ahmad, AAG-5
		Mr. Alok Ranjan, AC to AAG-5
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 **894 days** in filing the present appeal.

Learned counsel for the appellants states that the order already stands complied with.

That apart, we find that the delay of **894 days** has not been explained, much less sufficiently explained.

Relevant portions of the application are reproduced as under:-

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9) That for preparing statement of facts for filing LPA the file has been handed over to the departmental advocate on 06.06.2019. The same has been returned by the departmental advocate on 12.06.2019.

10) That after receiving of the statement of facts on 18.6.2019



the file has been placed before
Departmental Secretary for approval
of statement of fact.

11) That the departmental secretary has
approved the statement of facts on
3.7.2019

12) That on 3.7.2019 the file has been
sent to the Law Department for
obtaining necessary consent for
filing of LPA.

13) That on 4.7.2019 the file has been
sent by the Law Department to the
office of Learned Advocate General.

14) That the Learned Advocate General,
has endorsed the file to the office
of Learned A.A.G.-5 on 8.7.2019.

15) That it is stated from the fact
stated above that delay occurred due
to process of official decision and
not due to deliberate or willful
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 **894 days** in filing the appeal remains unexplained.

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

Re: L.P.A. No. 1133 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. 13982 of 2016, titled as Ramashish 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.

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	

