

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1135 of 2019

In
Civil Writ Jurisdiction Case No.11290 of 2016

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1. The State of Bihar through the Principal Secretary, Public Health Engineering Department, Government of Bihar, Patna.
 2. The Engineer-in- Chief, Public Health Engineering Department, Bihar, Patna.
 3. The Engineer-in- Chief-cum- Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
 4. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt. of Bihar, Patna.
 5. The Zonal Chief Engineer, Purnea Zone, PHE Department, Bihar, Patna.
 6. The Superintending Engineer, Public Health Engineering Circle, Saharsa.
 7. The Executive Engineer, PH Division, Patna East, Patna.
 8. The Executive Engineer, Public Health Engineer Division, Supaul.

... .. Appellant/s

Versus

1. Ramadhar Singh Son of Late Karu Singh Resident of Village and P.O.- Karisowa, P.S.- Bajirganj, District- Gaya.
2. The District Account Officer, Patna.
3. The Treasury Officer, Patna.
4. The Accountant General (A and E), Bihar, 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 :

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 **895 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 **895 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 15.05.2019. The same has been returned by the departmental advocate on 27.05.2019.

10. That after receiving of the statement of facts on 28.05.2019 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 04.06.2019.
12. That on 06.06.2019 the file has been sent to the law department for obtaining necessary consent for filing of LPA.
13. That on 07.06.2019 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 AAG-5 on 13.06.2019.
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 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 **895 days** in filing the appeal remains



unexplained.

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

Re: L.P.A. No. 1135 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. 11290 of 2016, titled as Ramadhar 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	

