

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1348 of 2019

In

Civil Writ Jurisdiction Case No.15728 of 2011

Shiv Shankar Upadhyay, aged about 50 years, S/o Late Sheo Kumar Upadhyay, R/o Vill-Shidharthpuram, Lane No. -1, Atardah, P.S. Sadar, District-Muzaffarpur.

... .. Appellant/s

Versus

1. The Union of India.
2. The Home Secretary, Govt. of India, North Block, New Delhi-11.
3. The Director General of C.R.P.F. C.G.O. Complex, Block No. 1 Lodhi Road, New Delhi.
4. The Inspector General of C.R.P.F. Bihar Sector, C.R.P.F. Complex, Ashiyana Digha Road, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Rajeev Kumar Singh, Adv.

Mr. Priya Ranjan Singh, Adv.

For the UOI : Ms. Nivedita Nirvikar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

8 08-02-2021 Heard learned counsel for the appellant and counsel
for the Respondents.

In this case, the appellant is challenging the order dated 21st April, 2006 by which his representation has been rejected after remand by the Higher Authority and against that, he has filed an appeal vide his representation Memo of Appeal dated 29th June, 2006 by which he has given the full details and consideration of the fact that he has wrongly been denied his



promotion from 2002 and his rejection of the representation on adverse remark suffers from illegality.

Without going into the merit of the case, we are disposing of this appeal on the limited point that the appellate authority, while passing the order dated 7th October, 2008 has rejected the same on technical ground of time barred without considering the merit of the case. Accordingly, this Court directs the appellate authority to condone the delay and dispose of the appeal on its merit within the time prescribed.

(Shivaji Pandey, J)

(Partha Sarthy, J)

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