

10.08.2023
Item No.04
RP
Ct. No.7

WPA 23696 of 2010
Chandrama Singh
Vs.
Union of India & Ors.

Mr. S.P. Lahiri
Mr. Habibur Rahaman
... for petitioner

Mr. Arun Kumar Maity
... for respondents

1. The petitioner has filed this writ petition challenging the order passed by the appellate authority dated 13th April, 2007.
2. Upon going through the said order dated 13th April, 2007 it appears that the appeal filed by the petitioner against the order of punishment dated August 21, 2006 was rejected as the same was time barred. It was recorded therein that the petitioner acknowledged the receipt of the order of punishment on 21.08.2006 but the appeal was preferred only on 1st February, 2007.
3. Mr. Lahiri, learned advocate representing the petitioner submits that a direction be passed upon the appellate authority to consider the appeal on merits.
4. The petitioner initially filed a writ petition before the Hon'ble High Court of Judicature at Patna,

being CWJC 109 of 2010, and the petitioner was permitted to withdraw the said writ petition with liberty to file the same before this Court by order dated 8th January, 2010. Thereafter, this writ petition has been filed only on 30th November, 2010 i.e. after more than 10 months from the date of the order passed by the Hon'ble High Court of Judicature at Patna. The petitioner has not explained the delay in filing this writ petition. For such reason, the instant appeal is liable to be dismissed on that ground alone and the same is dismissed. There shall be, however, no order as to costs.

5. Urgent Photostat copy of this order, if applied for, be delivered to the learned advocates for the parties, upon compliance of usual formalities.

(HIRANMAY BHATTACHARYYA, J.)