

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1728 of 2018

In
Civil Writ Jurisdiction Case No.14455 of 2013

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1. The State Of Bihar and Ors
 2. The Principal Secretary, Water Resources Department, Anisabad, Government of Bihar, Sinchai Bhawan,
 3. The Joint Secretary, Water Resources Department, Anisabad, Government of Bihar, Sinchai Bhawan, Patn
 4. The Under Secretary, Water Resources Department, Anisabad, Government of Bihar, Sinchai Bhawan, Pat
 5. The Chief Engineer, Water Resources Department, Anisabad, Government of Bihar, Sinchai Bhawan, Patn
 6. The Technical Secretary To The Chief Engineer, Water Resources Department, Anisabad, Government of
 7. The Superintending Engineer, Design, Planning And Monitoring, Anisabad, Patna.

... .. Appellant/s

Versus

Rajnish Kumar S/o Late Ram Naresh Sharma R/o village- Jamuawan, P.O.- Tajpur, P.S. Khizersarai, District- Gaya, Present Residing At Yamuna Colony, Beur Akhadapar, Beur, P.S.- Beur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Sanjay Kumar Ac To Aag 4
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-02-2024

The present LPA is presented by the State Authorities in assailing the order of the learned Single Judge dated 16.02.2016 passed in CWJC No. 14455 of 2013.



2. The present LPA should have been presented on or before 15.03.2016 whereas LPA was presented belatedly on 29.11.2018. Thus, there is a delay of about 2 years and 268 days, the reasons assigned for condonation of delay are stated in Para 5 to 7. It is necessary to re-produce Para 5 to 7:-

“5. That it is stated that after preparing the draft Letters Patent Appeal the file has been sent to Law Department Government of Bihar Patna to take opinion in connection with filing of the Letters Patent Appeal No. 22.04.2016. The law department had returned the file to the department of the deponent on 25.01.2018. The Learned Advocate General opined that Letters Patent Appeal cannot be filed as two years time had already lapsed after the order and judgment of this Hon'ble Court but he had also opined that on merit the period spent under work charge establishment will not be counted for grant of ACP benefits. Again the file had been sent to the law department, Government of Bihar on 10.03.2018 by the department of the deponent for opinion as the Hon'ble Court had directed the department to count the service rendered period of Work Charge Establishment of the Writ petitioner. The Law department, Government of Bihar Patna now opined that the Letters Patent Appeal can be filed as it procedural delay not intentional and substantial legal issue is involved in the matter. The file had been received on 11.10.2018 by the department of the deponent from the Law department, Government of Bihar Patna.

6. That it is stated and submitted that thereafter Letters Patent Appeal had been prepared for filing before the Hon'ble Court. It is submitted that the file moves from the level



of Assistant and it reaches up to the level of Joint Secretary/Secretary of different department after crossing various officers. After that it was decided that appeal will be filed.

7. That it is stated and submitted that all the process had taken some time for preparation and filing of the present Letters Patent Appeal.”

3. Reading of the aforementioned statement there is no iota of material with reference to dates and events except the file was moved on 22.04.2016, and thereafter file was returned by the Law Department on 25.01.2018 other than this nothing has been narrated so as to sufficient cause has been shown to condone the enormous delay of 2 years and 268 days or not?

4. Accordingly, the present application for condonation of delay stands rejected. In the result the present LPA No. 1728 of 2018 stands dismissed.

5. Pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.02.2024
Transmission Date	NA

