

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.59 of 2021

In

Civil Writ Jurisdiction Case No.13199 of 2005

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1. The State of Bihar through the Commissioner cum Secretary, Water Resources (Irrigation) Department, Sinchai Bhawan, Patna.
 2. The Engineer-in-Chief, Water Resources (Irrigation) Department, Sinchai Bhawan, Patna.
 3. The Under Secretary, Water Resources (Irrigation) Department, Sinchai Bhawan, Patna.
 4. The Deputy Secretary, Water Resources (Irrigation) Department, Sinchai Bhawan, Patna.

... .. Appellant/s

Versus

Mr. Chandradip Sinha Son of Late Ram Charitra Singh Resident of Village-
Abagila, P.O.- Mohanpur, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S.D. Sanjay Kumar, Sr. Advocate Mr. Lokesh Kumar, Advocate Mr. Vishal Kumar, Advocate
For the Respondent/s	:	Mr. Anjani Kumar, Sr. Advocate Mr. Deepak Kumar Jamuar, AC TO AAG-4 Mr. Utkarsh Bhushan, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 08-02-2024

The appellants-State has challenged the order of the learned Single Judge dated 30.08.2019 passed in CWJC No. 13199 of 2005 (*Chandradip Sinha vs. The State of Bihar and Ors.*). The delay of 1 year and 111 days in filing the LPA. Even though sufficient cause has not been shown to condone the delay of 1 year and 111 days. State being a model employer



should have filed litigation timely. Merely, taking the contention that file was tossing from one department to another department or one officer to another officer are not sufficient ground.

2. Be that as it may, appellants is a State litigant due to officers mistake State shall not be penalised. Therefore, I.A. No. 02 of 2024 for condonation stands allowed while condoning the delay of 1 year and 111 days.

3. With the consent of the respective parties the main matter of LPA is heard. Respondent was subjected to disciplinary proceedings and it was concluded in imposition of penalty in the year 1999 and it was a subject matter of litigation before this Court. It was allowed and matter was remanded to commence inquiry from the defect stage and conclude the same.

4. On the other hand, they have violated such order while initiating fresh inquiry and concluded the same and it was a subject matter of CWJC No. 13199 of 2005. The learned Single Judge has allowed the aforementioned writ petition on 30.08.2019. Hence, the present LPA.

5. Learned counsel for the appellants-State has submitted that there is no infirmity in the inquiry as initiated fresh and respondent was not prejudiced. Such contention cannot be appreciated for the reasons that they are bound by the



judicial order. Once the judicial order is to the extent that inquiry shall be continued from the defective stage and conclude the same, in the absence of any modification of the learned Single Judge order passed in the year 1999. State cannot resolve for a fresh inquiry. To that effect there is a defect, the same has been taken note of by the learned Single Judge, he has also quoted a decision in the case of *Punjab National Bank and Ors. vs. Kunj Behari Misra* reported in *(1998) 7 SCC 84*.

6. Taking note all these dates and events the LPA doesn't merit consideration. Accordingly, the present LPA No. 59 of 2021 stands dismissed. Consequently, pending I.A.(s), if any, stands disposed of.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

Sudha/-

AFR/NAFR	NAFR
CAV DATE	NA
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