

(2015) 05 JH CK 0101

In the Jharkhand High Court

Case No : I.A. Nos. 5113, 5114 of 2014 and 1097 of 2015 in LPA No. 263 of 2014

State of Jharkhand and Others

APPELLANT

Vs

Shio Narayan Singh and Others

RESPONDENT

Date of Decision : 06-05-2015

Acts Referred:

Citation : (2015) 3 AJR 624

Hon'ble Judges : Virender Singh, C.J.; P.P. Bhatt, J

Bench : Division Bench

Advocate : Rajesh Kumar, G.P.V., for the Appellant; Shresth Goutam, A.K. Sahani and K.K. Singh, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Virender Singh, C.J.—State of Jharkhand being aggrieved of the judgment dated 2nd September, 2013 handed down by the learned single Judge in W.P.(S) No. 724 of 2013, whereby allowing the writ petition of Shio Narayan Singh, respondent herein, directing the State for fixing his seniority in terms of the notification dated 24th November, 2010 on the basis of his initial date of appointment, i.e., 21st-December, 1981 when he was working in the Engineering Cell, Department of Education, Government of Bihar has preferred L.P.A. No. 263 of 2014. Since there is delay of 300 days in filing the accompanied appeal (LPA No. 263 of 2014), the instant application for condonation of the said delay has been moved in which pursuant to the notice, Mr. Shresth Goutam appears for the contesting respondent (writ petitioner) and Mr. A.K. Sahani appears for respondent Nos. 2, 5, 6 & 7. However, other two private respondent Nos. 4 & 8 go unrepresented.

2. For our satisfaction, we have sought assistance of Mr. Rajesh Kumar, learned G.P.-V and Mr. Shresth Goutam, learned counsel for the contesting respondent (writ petitioner) on merits of the case, considering that if we find any substance in the appeal, we might condone the delay, which on the face of it, is a very huge

delay being of 300 days, otherwise, it would be an attempt in futility, which the Court can not afford.

3. After hearing learned counsel for both sides, not only we do not find any substance in the main appeal on merits, even otherwise, the State has not been able to carve out any good much less sufficient ground for condoning huge delay of 300 days in assailing the impugned judgment of learned Single Judge. It appears that the instant application for condonation of delay has been very casually drafted by some official of the concerned Department considering as if condonation of delay is the right even if no cause for the same. State has to be very careful in this regard and cannot expect any latitude.

4. During the course of arguments, it has also been brought to our notice that similarly situated persons in the State of Bihar have already been granted the same benefit and their date of appointment has been considered as the initial date of appointment in Engineering Cell, Department of Education, Government of Bihar and not the date of merging of Engineering Cell, Department of Education with Building Construction Department. This fact is not controverted by the learned State Counsel. Viewed thus, I.A. No. 5113 of 2014, being devoid of any merit in it, deserves to be dismissed. Ordered accordingly. Resultantly, LPA No. 263 of 2014 also meets the same fate.

(I.A. No. 5114 of 2014 and I.A. No. 1097 of 2015)

I.A. No. 5114 of 2014 and I.A. No. 1097 of 2015 stand disposed of, accordingly.