

SC.22
9/1/13

In the High Court of Judicature at Patna.

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. _____ of 2013.

(Arising out of C.W.J.C.No.18724 of 2012 dismissed

for non prosecution on 23.11.2012)

Badeo Prasad YadavPetitioner

Versus

The State of Bihar and others.....Opposite Parties

Subject: -Restoration Matter.

INDEX.

Sl.No.	Particulars.	Pages
1.	Petition under Article 226 of the Constitution of India.	1 to 6

GOVT. OF BIHAR
REGISTRATION, EXCISE & PROHIBITION DEPT.
PATNA SCORE PATNA

COURT FEE

Authorization No. 2674



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In the High Court of Judicature at Patna.

(Miscellaneous Judicial Jurisdiction)

M.J.C.No. _____ of 2013

(Arising out of C.W.J.C.No.18724 of 2012

dismissed for non prosecution on 23.11.2012)

In the matter of an

application under Article

226 of the Constitution of

India.

And

In the matter of :-

Basudeo Prasad Yadav Son of Late Siru Prasad Yadav

Resident of Village-Murliganj, Police Station-Murliganj

District-Madhepura.

..... Petitioner.

Versus

1. The State of Bihar.
2. Principal Secretary, Urban Development and Awas
Department, Government of Bihar, Patna.
3. Joint Secretary, Urban Development and Awas Depart-
ment, Government of Bihar, Patna.
4. District Ma gistrate, Madhepura.
5. Executive Officer, Nagar Panchayat, Marliganj,
District-Madhepura.

..... Opposite Parties.

To,

The Hon'ble Ms. Justice Rekha M. Doshit,
the Chief Justice of the High Court of
Judicature at Patna and her Companion
Justices of the said Hon'ble Court.

The humble petition on
behalf of the petitioner
abovenamed;

Most Respectfully Sheweth :-

1. That this is an application for restoration of aforesaid writ application bearing C.W.J.C.No. 18724 of 2012 which was dismissed for non prosecution vide order dated 23.11.2012 by Hon'ble Mr. Justice Ramesh Kumar Datta.
2. That the petitioner retired on 31.7.2004 from the post of Cashier from Nagar Panchayat, Murliganj, Madhepura but he was not paid Gratuity, Leave encashment, difference of salary due to fifth pay revision and other admissible benefits.
3. That the petitioner filed aforesaid writ petition bearing C.W.J.C.No.18724 of 2012 before Hon'ble High Court for direction to the Respondents to make payment of post retirement benefit.
4. That aforesaid case was running before Hon'ble Mr. Justice Ramesh Kumar Datta under the head-

-ing 'For Admission' on 23.11.2012 aforesaid case was taken up by Hon'ble Judge but no one appeared on behalf of petitioner to press the case on repeated call, accordingly aforesaid case has been dismissed for non prosecution.

5. That it is humbly submitted that counsel for petitioner namely Binod Kumar Sinha was suffering from fever and due to illness he could not appear before Hon'ble Court and another counsel Manoj Kumar has gone to New Delhi for medical treatment of his elder brother namely Mr. Uday Chand Prasad who was suffered from heart attack.

6. That it is humbly submitted it was occurred due to aforesaid circumstances, not intentional and deliberate attitude to avoid the case.

7. That the petitioner wants sympathetic consideration from this Hon'ble Court, since petitioner is the retired person.

P. That the petitioner has not moved earlier before Hon'ble High Court in the instant matter.

It is, therefore, prayed that your Lordships may graciously be pleased to admit this application, and after hearing the parties be pleased to restore the aforesaid writ application i.e.C.W.J.C.No.18724 of 2012 to its original file.

And/Or

Pass such other order or orders as your Lordships may deem fit and proper

And for this, the petitioner shall ever pray.

AFFIDAVIT.

I, Badudeo Prasad Yadav, aged about 66 years, Son of Siru Prasad Yadav, resident of Village-Murliganj, Police Station-Murliganj, District-Madhepura, do hereby solemnly affirm and state as follows:-

1. That I am petitioner in this case and as such am well acquainted with the facts and circumstances of the case.

2. That the contents of this petition have been read over and explained to me in Hindi which I have fully understood the same and the statements of facts made therein are true to my knowledge and belief.

बादुदेव प्रसाद यादव