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**IN THE HIGH COURT OF JUDICATURE AT PATNA
(LETTERS PATENT APPELLATE JURISDICTION)**

I.A . No.of 2013.

In.

L.P.A. NO. _____ of 2013.

Gyan Kumar Ram. Petitioner.

Versus

The State of Bihar and others


..... Respondents-Respondents.

Sub:- Limitation Matter.

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IN THE HIGH COURT OF JUDICATURE AT PATNA

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I.A. No. of 2013.

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L.P.A. NO. _____ of 2013.

In the matter of an Interlocutory
Application Under Section 5 of
the Limitation Act.

And

In the matter of:-

Gyan Kumar Ram. Petitioner.

Versus

The State of Bihar and others

..... Respondents-Respondents.

To,

The Hon'ble Ms. Justice Ms 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 Limitation
petition on behalf of appellant
above named;

Most Respectfully showeth:

1. That the present application is being filed for condonation of delay of 680 days in filing the present letters Patent Appeal.
2. That the appellant filed the writ application C.W.J.C. No. 22000 of 2011 making a prayer for setting aside the resolution dated 20.5.2011, issued under the signature of under Secretary of the then Personnel and Administrative Reforms department (now known as General Administration department) by which, major punishment of withholdment of Four Annual increments has been awarded to him.
3. That, it is stated that the said writ application was filed by the petitioners-Appellant on 09.12.2011. The counsel conducting the case of the petitioner-appellant told him that according to the prevalent system of listing of the cases in this Hon'ble Court, the matter was likely to be taken up within at least 8-9 months of its filing.

4. That believing the statement of his counsel, the petitioner-appellant could not make any correspondence from his counselor^{for} the purposes of getting knowledge about the latest position of the matter.
5. That it is further stated that immediately after its filing, the said writ application C.W.J.C No. 22000 of 2011 was listed for Admission in the Provisional list dated 12.12.2011, and the cases ~~is~~ listed in the said Provisional list dated 12.12.2011 was taken up for consideration by the Single Bench presided over by Hon'ble Justice Rekha M. Doshit, the Hon'ble Chief Justice of the Hon'ble Court. Thereby the matter was heard and dismissed by the impugned order dated 13.12.2011.
6. That, as stated above, while on the one hand, the appellant believing the statement of his conducting counsel, could not keep a track of his case, on the other hand, the counsel for the petitioner-appellant also did not care to inform the appellant about the ultimate result of his writ application.
7. That the appellant concedes there was failure on his part also to at talk to his counsel about the exact position of

his case, but the since appellatant was under a legitimate expectation that his counsel will pass on the information to him, and since the appellatant remained heavily pre-occupied with the discharge of his official duties, he did not make any correspondence with his counsel.

8. That however, on 24.9.2010, when the appellatant came to Patna in connection with his official duties, he contacted his counsel. It is only thereafter that the appellatant came to know about dismissal of his writ application.
9. That immediately thereafter, the appellatant took steps for obtaining the certified copy of the order dated 13.12.2011 passed in C.W.JC.NO 22000 OF 2011. Thereby on requisition made on 27.9.3013, the certified copy of the said order was made available to the appellatant on 1.10.2013.
10. That in this manner, the appellatant, after obtaining the certified copy of the order dated 13.12.2011, took steps for filing the present letters Patent Appeal. Thus the present letters Patent Appeal has been filed on 29.10.2013.
11. That on the basis of the statements made above, it is submitted that the delay of 690 days caused in filing the

present Memorandum of Appeal was not on account of any laches or deliberate action of the appellant.

12. That in view of the submissions made above, it is submitted that the delay of 680 days caused in filing the present Memorandum of Appeal is fit to be condoned so that the matter may be considered on merit.
13. That the appellant has not moved before this Hon'ble Court anytime heretofore for ^{condoning} ~~condoning~~ the delay in filing the present letters Patent Appeal.

It is therefore prayed that your lordships be graciously pleased to allow this Interlocutory Application and thereby be further pleased to condone the delay of 680 days in filing the present letters Patent Appeal.

And/Or

Pass such other order or orders as your lordships may deem fit and proper in the facts and circumstances of this case.

And for this the appellant shall ever pray.

Affidavit.

I, Gyan Kumar Ram, aged about 44; son of late Hira Lal Ram, resident of village- and P.S.- Nadawan, District-Buxar, do hereby solemnly affirm and say as follows:-

1. That I am the sole appellant in this case and as such I am fully acquainted with the facts and circumstances of this case.
2. That I have gone through the contents of this petition have been read over and explained to me in Hindi which I fully understood and they are true to my knowledge.

ग्यान कुमार राम

Deponent.