

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7000 of 2015**

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Krishna Mohan Prasad Son of late Dwarika Prasad resident of village Sarafuddinpur, P.O. Singhara, P.s Dulhin Bazar, District Patna

.... .... Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited Bailey Road, Vidhyut Bhawan Patna through its Secretary.
2. The Secretary, Bihar State Power Holding Company Limited, Patna.
3. The Electrical Executive Engineer, transmission Circle, Dehri-on-Sone Aurangabad.
4. The Executive Engineer Transmission Division, Dehri -On-Sone, Aurangabad.
5. The Executive Engineer Transmission Division , Jakkanpur, Patna
6. The Executive Engineer Transmission Division, Biharsharif (Nalanda)
7. The Assistant Executive Engineer, Transmission Sub Division , Ara (Bhojpur)
8. The Assistant Executive Engineer, Transmission Sub Division(Anchal)Dehri-On-Sone, Aurangabad.
9. The Assistant Executive Engineer, Transmission Sub Division(Anchal) Jakkanpur , Patna
10. The Assistant Executive Engineer, Transmission Sub Division(Anchal) Harnaut, Biharsharif, (Nalanda)

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Adv  
For the S.B.P.D.C.L : Mr. Vinay Kirti singh, Adv & Mr. Vijay Kumar Verma, Adv

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**CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA**  
**ORAL JUDGMENT**

2      05-05-2015      Heard learned counsel for the parties.

While this Court would find it difficult to allow the petitioner to raise stale claim for payment of over-time for the period July-1992 to April-2012 on the ground that they being stale claim, it would still direct the respondents to consider the case of the petitioner for

payment of over-time, if any from the month of May-2012 to November-2013, keeping in view that this writ application has been filed on 04.05.2015.

Law in this regard has been laid down by the Apex Court in the case of ***Union of India v. Tarsem Singh*** reported in ***(2008) 8 SCC 648*** wherein paragraph 7 and 8, Justice Raveendran had to say:

7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of thirds parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.

8. In this case, the delay of sixteen years would affect the consequential claim for arrears. The High Court was not justified in directing payment of arrears relating to sixteen years, and that too with interest. It ought to have restricted the relief relating to arrears to only three years before the date of writ petition, or from the date of demand to date of writ petition, whichever was lesser. It ought not to have granted interest on arrears in such circumstances”.

In that view of the matter, this Court would find the consideration of the case of over-time of the petitioner for the period of three years from the date of its filing i.e. from May-2012 to November-2013.

Let such decision for payment of over-time to the petitioner be taken within a period of four months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

**(Mihir Kumar Jha, J)**

Ranjan/-

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