

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10175 of 2015

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Pandey Shashi Bhushan Kumar Verma, snl Pandey Kishori Sharan Verma,
resident of Awadh Bihari Lane, P.O.- M.I.T., Mohalla- Brahampura, P.S.-
Brahampura, District- Muzaffarpur, 842003.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary-cum-Commissioner,
Department of Water Resources Department, Bihar, Patna.
2. The Principal Secretary, Department of Water Resources, Bihar,
Patna.
3. The Under secretary, Department of Water Resources, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Verma, Advocate.

For the Respondent/s : Mr. Pankaj Kumar Pankaj, AC to SC 33

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 27-07-2015

Heard learned counsel for the parties.

2. Having regard to the fact that the petitioner in this writ application claims payment of salary of the period of 1993 to 1998 and also for grant of second Time bound Promotion, such cause of action to the petitioner had arisen prior to 31.12.1995 inasmuch as time barred promotion stands abolished since 01.01.1996, this Court is not inclined to entertain this writ application only on the ground of delay and laches on the part of the petitioner.

3. Let be noted that the petitioner relies on the order of this Court passed in the year 2006, but that writ application was filed in the year 2003 well within three years of the cause of action

inasmuch as the promotion was given to them in the year 1998 denying the benefit of salary for the period and they were conscious and came before this Court without any delay.

4. In the case of the petitioner, the delay is of the period of more than 17 years and, therefore, following the ratio laid down by the Apex Court in the case of ***Union of India v. Tarsem Singh*** reported in (2008) 8 SCC 648, this Court must hold the present writ application to be not maintainable inasmuch as the Apex Court has already held that the payment of salary can only be claimed in a writ application at best in a period of three years from the date of its being filed. Here in this case, the petitioner, having filed a writ application after 15 years of the cause of action, wants payment of salary of the year 1993 to 1998 which is simply impermissible in view of law laid down by Apex Court in the case of ***Tarsem Singh*** (supra).

5. Thus, for the reasons indicated above, this writ application must fail and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

Sujit/-

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