

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12188 of 2011

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Meghan Mahto Son of Late Pokhan Mahto Resident of Village- Kiul Basti,
Sansar Pokhar, Pachna Road, P.S.- Lakhisarai, District- Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Panchayati Raj, Vikash Bhawan (New Secretariat), Patna.
2. Chief Executive Officer-cum-District Development Commissioner, Zila Parishad, Lakhisarai.

-----Respondent/s Ist Set.

3. Chief Executive Officer-cum-District Development Commissioner, Zila Parishad, Munger.

.... Respondent/s 2nd Set.

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

6 10-08-2015

Heard learned counsel for the petitioner and Mr.

Ray Shivajee Nath, AAG-3 for the State.

The writ application has been filed for a direction upon the respondents to grant him first time bound promotion with effect from 01.02.1992 taking into consideration his having joined service on 01.02.1982.

Learned counsel for the State raises a preliminary objection and submits that the petitioner having superannuated in the year 2008 and then also approaching the Court only in 2011 for a cause of action which accrued to him on 01.02.1992, this Court may not interfere as the writ petition suffers from delay and laches on the part of the petitioner.

Upon considering the preliminary objection, this Court finds substance in the same. It was incumbent upon the petitioner who was well aware that he was not promoted to have come before the Court within a reasonable period of time, but coming to the Court after 19 years of the cause of action having arisen, in no way can be said to be a reasonable period. It is also a well settled principle of law in service matters that time is of essence and even if a right for consideration of promotion may have accrued to the petitioner but the same not having been agitated within a reasonable period of time, it would be deemed that the petitioner has acquiesced to the position and thus him moving the Court at such a belated stage, in the considered opinion of the Court, is clearly indicative of gross lapses on his part.

Accordingly, the application stands dismissed on the ground of delay and laches.

(Ahsanuddin Amanullah, J.)

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