

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.394 of 2015

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Shivjharia Wife of Late Kanhaiya, resident of Jatahi Pokhara, Sandha
Dhala, P.S.- Muffasil, District- Chapra (Saran)

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Old Secretariat, Patna
2. The Principal Secretary, Urban Development and Housing Department,
Govt. of Bihar, Patna
3. The Chapra Nagar Parishad through its Chairman, Chapra
4. The Chairman, Chapra Nagar Parishad, Chapra
5. The Executive Officer, Chapra Nagar Parishad, Chapra

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gyan Prakash

For the Respondent/s : Mr. Rakesh Kumar Tiwary

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 02-02-2015 Heard learned counsel for the parties as with regard to the
following relief prayed in this writ application:

“That this writ application is being filed for issuance of a writ in the nature of mandamus commanding the respondents to pay the difference of pay from April, 1989 to March, 1993 Financial benefits of Vth and VIth Pay Revision like State Govt. servants and Financial benefit of Two A.C.P. w.e.f. 9.8.1999 in pursuance of decision of Empowered Committee of Nagar Parishad Chapra on 12.3.2010, Salary of June to August, 1999 of strike period which have given to all General Section Staff, Financial benefits of Pay revision w.e.f. 1.4.1997 instead of 1.1.2009 in pursuance of Finance Department Resolution No. 660 dated 8.2.1999.”

While this Court is really amazed that a claim of the year

1989 to 1993 has been sought to be raised in the year 2015, learned counsel for the petitioner has submitted that similar claim has been entertained in C.W.J.C.No. 13704/2013.

The very fact that this question of delay has not been gone into in that case, any concession made by the authorities by filing a counter affidavit may be a good ground for the petitioner to renew his claim also before the same authority but that will not mean that such ten to twenty years stale claim of the petitioner will be entertained by this Court.

In that view of the matter when learned counsel for the petitioner seeks permission to withdraw this application in order to enable the petitioner to satisfy the authorities of the Municipal Corporation that he too will be entitled for a similar relief this Court without expressing any opinion would simply accord leave to the petitioner to withdraw this application by putting a caveat that the petitioner will have no liberty to move this court for the same cause of action for which this application has been filed by him.

(Mihir Kumar Jha, J)

surendra/-

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