

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15060 of 2006

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Ram Dayal Singh, son of late Ramjad Singh, resident of Village-Gobindpur,
P.O.-Datiyana (Bikram), District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Industry,
Government of Bihar, Patna.
2. The Director of Industry, Department of Industry, Government of
Bihar, Patna.
3. The Joint Director Industry, Regional Industry Directorate, Patna
Division, Patna.
4. The General Manager, District Industry Centre, Bhojpur, Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar
Mr. Vivek Kumar

For the Respondent/s : Mr. Pramod Kumar, AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-01-2015 The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents for treating the period from 01.07.1975 to 23.11.1978 as continuous service and then grant him benefits of 1st and 2nd time bound promotion.

Indisputably, the petitioner superannuated from service on 28.02.1997 from the post of Receptionist, District Industry Centre, Rohtas (Sasaram). The present writ petition was filed on 06.12.2006 i.e. after delay of more than nine years from the date of retirement. No valid explanation is furnished by the petitioner for approaching this Court after such a long delay of more than nine years for the reliefs indicated in paragraph 1 of the writ petition.

A counter affidavit was filed on behalf of the respondent nos.1 and 2 as far back as on 23rd April, 2007 resisting the prayer made on behalf of the petitioner and disputing his claim

made in the writ petition. Despite passage of more than seven years, no rejoinder affidavit has been filed on behalf of the petitioner controverting the averments made in the aforesaid counter affidavit.

In the aforesaid counter affidavit, it has been stated that the petitioner was appointed on the post of Clerk-cum-Storekeeper on 08.10.1964 on temporary basis and was posted in Rural Workshop under the control of the District Industries Officer, Munger. It has further been stated that in the year 1975 the Rural Workshop was dissolved by the State Government and the employees working there were adjusted in the Community Project Centre, Darbhanga. It has specifically been stated that on account of long absence of the petitioner his case was not considered for adjustment and for the first time the petitioner filed representation on 01.11.1977 for his adjustment by the State Government. Whereafter, the matter was considered and the petitioner was appointed on the post of Receptionist in the District Industries Centre, Rohtas vide order dated 17.11.1978 and, accordingly, he joined the post on 24.11.1978. It has been categorically stated that the petitioner did not perform his public duty from 01.07.1975 to 23.11.1978. Therefore, the aforesaid period cannot be regularized and treated as continuous service.

Indisputably, at the time of re-appointment in the year 1978, the petitioner did not raise the issue of regularization of his service for the period from 01.07.1975 to 23.11.1978. In fact, he remained in continuous service with effect from 24.11.1978 and finally superannuated from service on 28.02.1997. Even after superannuation from service, he did not raise his claim immediately and waited for nine long years. Thereafter, on

06.12.2006 the present writ petition was filed.

Apparently, the writ petition suffers from delay and laches on the part of the petitioner. After more than three decades, from the period in question, the petitioner cannot be permitted to raise the issue which has attained its finality. The claim of the petitioner at such a belated stage is completely misconceived and cannot be entertained.

For the reasons recorded above, the present writ petition has to fail and is, accordingly, dismissed, but there shall be no order as to costs.

(Birendra Prasad Verma, J)

Arvind/-

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