

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16608 of 2011

=====

Surendra Kumar Srivastava son of Sri Sripati Sahay Resident Of Village And Post
Chausa, Police Station-Buxar (M), District-Buxar.

.... Petitioner/s

Versus

1. The State Of Bihar.
2. The Secretary, Rural Development Department, Old Secretariat, Bihar, Patna.
3. The Commissioner, Rural Development Department, Old Secretariat, Bihar, Patna.
4. The District Magistrate-Cum-Chairman, District Rural Development Department, Rohtas At Sasaram.
5. The District Magistrate-Cum-Chairman, District Rural Development Department, Kaimur At Bhabhua.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Kinkar Kumar SC 27

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 03-05-2016

Heard Sri Sanjay Kumar, learned counsel for the petitioner
and Sri Kinkar Kumar, learned SC No. 27.

The present writ petition was filed in the month of
September 2011 with a prayer to direct the respondents to pay the
petitioner salary with interest from 8.2.1994 to 27.8.1995. He has
also made a prayer for quashing of an order contained in memo no.
3415 dated 25th May 2005 i.e. Annexure - 7 to the writ petition
passed by the Commissioner- cum- Secretary, Rural Development
Department by which the aforesaid claim was rejected.

A plea has been taken that petitioner was issued



appointment letter and he was asked to join at a particular place in the year 1994 but due to one reason or the other reason he was not allowed to join. Finally his joining was accepted on 28.5.1995 and thereafter he started to get salary and other emoluments regularly. However, the petitioner raised a grievance that he was entitled to get salary for the period during which he was not allowed to join. Normally in such stale matter there was no requirement for interference. However, a writ petition filed in the year 1998 vide CWJC No. 11943 of 1998 a bench of this court vide its order dated 25.4.2003 disposed of the same directing the petitioner to represent his case before the Commissioner, Rural Development Department and within a specified time the respondent no. 6 of the writ petition was required to examine the claim and in case of finding the claim as genuine he was required to direct for payment. Pursuant to the order dated 25.4.2003 (Annexure - 6) it appears that final order was passed by the Commissioner in the month of May 2004 itself which is Annexure - 7 to the writ petition. Though again the stale claim of the petitioner was rejected in the year 2004, without any plausible explanation the present writ petition was filed in the year 2011. Since the petitioner himself slumbered over his right for such a long time it would not be appropriate for this Court to entertain the present petition.

In view of the facts and circumstances particularly the matter being stale, the court is not inclined to entertain the petition.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09-05-2016
Transmission Date	N.A.