

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20601 of 2013

=====

Hari Nath Mandal Son Of Late Nandlal Mandal Resident Of Village Fatehpur, P.S.
Rosera, District Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar, Through The Chief Secretary, Government Of Bihar, Patna
2. The Chief Engineer, Rural Engineering Organization, Rural Development Department, Bihar, Patna
3. That Secretary, Building Construction Department, Bihar, Patna
4. Superintending Engineer, Building Design Circle No. 2, Building Construction Department, Patna
5. Finance Secretary Cum Commissioner, Finance Department, Bihar, Patna
6. Joint Secretary, Finance Department, Bihar, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.
Mr. Amit Kumar, Adv.

For the Respondent/s : Mr. Anil Kumar Upadhyay, SC-20

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-02-2016

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is seeking relief that he should have been paid salary as that of an employee of the Secretariat as he claims that he was employed in the office of the Chief Engineer, Rural Engineering Organization, Patna.

As per the claim of the petitioner, he was appointed on 23.11.1973 as a Peon and later on he appeared in the limited examination on 9.8.1980, after getting it through, he was promoted to



the post of Typist and was placed in the office of Executive Engineer being a section of the office of Chief Engineer and the same is absolutely clear from the letter dated 13.12.1980 (Annexure-5) which indicates that the order was passed by the Chief Engineer who specifically mentioned about placing the petitioner along with another person in the office of Superintending Engineer. As per the claim of the petitioner, that office itself shows attached with the office of the Chief Engineer. Later on, he was confirmed in the post on 9.4.1986 by the order of the Superintending Engineer. All though, the petitioner never raised any grievance about his claim that his pay-scale should be as that of an employee of the Secretariat as is part of the office of Chief Engineer and wrongly been deprived of the same. The petitioner superannuated on 31.8.2008 and, after a lapse of four years, he has filed a representation before the Chief Secretary claiming that he was deprived of proper salary as he has been paid less salary than his counterpart attached to the Secretariat during that period. The representation of the petitioner was disposed of by Under Secretary vide his letter dated 26.12.2012. In the present application, the matter is that the petitioner has never raised any grievance with regard to his discrimination which has been inflicted upon him as the other employees have been paid higher pay-scale and he has been paid lower pay-scale than that of the employees of the Secretariat. After a

lapse of four years from his superannuation, for the first time, he has filed the representation, that has been disposed of just thereafter. This Court cannot entertain such a belated writ application as he had all through during service period remained satisfied and had never raised any grievance. If the petitioner was not conscious of his right, now after a long lapse of time, the disposed representation cannot be basis to save the writ petition when it suffers from the delay and laches.

Accordingly, this application is dismissed.

(Shivaji Pandey, J)

Rishi/-

U			
---	--	--	--