

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9951 of 2014

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1. Dr. Baikuntha Prasad Yadav S/O Late Jai Narain Prasad Yadav Resident of Civil Line, Pakri Road, Near State Bank of India, Pakri, Ara, District - Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Medical Education and Family Welfare, Bihar, Patna.
2. The Deputy Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar, Patna.
3. The Accountant General (A AND E), Bihar, Birchand Patel, Patna,

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandrabhushan Singh
For the Respondent/s : Mr. Anil Kumar Tiwary, AC to AAG-13
For Accountant General : Mr. Uday Kumar,

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 20-07-2016 Heard learned counsel for the parties.

The petitioner was in Bihar Health Service. He was promoted to the rank of Civil Surgeon in the year 1995 as has been stated in the writ application. He retired with effect from 31.01.1997 after attaining the age of superannuation.

The present writ application has been filed on 18.06.2014, nearly 17 years after the petitioner retired from service, seeking a direction for sanction and grant of pension on the same rate as is being paid to one Dr. Hari Kishore Prasad Verma, who also retired as Civil Surgeon, Katihar on 26.08.1996.

This writ application, in my view, cannot be

entertained for the reason that it has been filed 17 years after the petitioner retired from service.

It is a settled law that belated claim made after several years, in the present case 17 years, cannot be entertained in a proceeding under Article 226 of the Constitution of India.

This application is, accordingly, dismissed.

However, disposal of the writ application will not come in the way of the petitioner in approaching the authorities in order to claim parity of his pensionary benefits with said Dr. Hari Kishore Prasad Verma, who is said to have retired in similar circumstance in the same scale of pay. If the petitioner approaches the Principal Secretary, Health Department, Government of Bihar, Patna by filing appropriate representation claiming parity with said Dr. Hari Kishore Prasad Verma, the Court expects, considering the special feature of the petitioner's claim, that the Principal Secretary shall consider and decide the petitioner's claim within a period of two months after filing of the representation.

This disposes of the application.

(Chakradhari Sharan Singh, J)

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