

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10099 of 2014

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1. Dr. Ehsan Ahmad Khan S/o Late Abdul Rahim Khan Resident of Bye
Pass Road, Sohanpatti, P.S. Buxar, District - Buxar

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Health, Medical
Education and Family Welfare
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. Pawan Kumar

For the Respondent/s : Mr. Ashok Kumar Keshri, AAG-11

For Accountant General : Mr. Ajit Kumar, Advocate

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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 1998 as has been stated in the writ application. He retired with effect from 30.06.1999 after attaining the age of superannuation.

The present writ application has been filed on 20.06.2014, nearly 16 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 Dr. Hari Kishore Prasad Verma, who 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 16 years

after the petitioner retired from service.

It is a settled law that the belated claim made after several years, in the present case 16 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 authority 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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