

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16972 of 2008

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Jairam Rai, son of late Ram Janam Singh, resident of Village Janguara, P.O. Belwan, P.S. Agarere, District Rohtas

.... Petitioner/s

Versus

1. The Bihar State Housing Board through its Managing Director, Mangles Road, Patna
2. The managing Director, Bihar State Housing Board, Mangles Road, Patna.
3. The Secretary, Bihar State Housing Board, Mangles Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Janardan Pandey

For the Housing Board : Mr. Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-11-2017

Heard learned counsel for the petitioner and learned counsel for the Bihar State Housing Board.

In the present case, petitioner is seeking relief for salary and pay-scale to the post of Account Assistant.

The petitioner is claiming pay-scale of Rs.348-570 since 1977 claiming that 19 persons have been given the scale of pay who are Account Assistant/Sr. Clerk attached with Accounts but he remained in the pay-scale of Rs. 260-408. He has placed reliance on the proceeding dated 18.2.1993 wherein it has been recorded that 19 persons have been given the benefit of pay-scale of Rs.348-570, 13 posts are still vacant out of that 9 posts were vacant since 1977 decided to give the benefit to the rest two



persons, namely, Jairaim Rai (petitioner) and one Vishnu Deo Prasad but same was never brought for action.

In the first counter affidavit filed by the Board where statement has been made that 19 persons were given the benefit of pay-scale as they have passed the accounts examination whereas present petitioner and Vishnu Deo Prasad did not pass the accounts examination, on that account they were not given the pay-scale. Further counter affidavit has been filed by the Housing Board, stating therein, that decision of Board to grant the benefit of pay-scale of Rs.348-570 to the Senior Account Clerk and Account Assistant was sent to the Government for approval which the Government refuted, subsequent notification issued by the Housing Board extending the pay-scale of Rs.348-570 had been set aside and that is the reason the petitioner was not given the pay-scale.

Learned counsel for the petitioner submits that those persons who were given the pay-scale, they after taking the benefit, superannuated from service but the same has been disputed by the learned counsel for the Housing Board. The matter is relatable to the decision dated 26.3.1980, at best it can be extended up to 1993 whereas petitioner has approached this



Court in 2008 i.e. after much delay of 15 years.

This Court does not find any reason to interfere in the matter on account of delay and laches.

Accordingly this writ petition is dismissed.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
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