

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 11094 of 2008**

- =====
1. Shashi Bhushan Singh
  2. Manoj Kumar Singh
  3. Kiran Shakar Singh, Sl. 1 to 3 sons of late Mostt. Sharada Devi, r/o Vill. Dahiwar, P.O. Dahiwar, P.S. Industrial Area, Buxar, District – Buxar.
  4. Urmila Devi W/o Sri Ram Singh, R/o Vill.+ P.O. Gahamar, Distt. Gajipur (U.P.)
  5. Pramila Devi W/o Devendra Singh, R/o Vill.+P.O. Basudhar, Distt. Buxar.
  6. Nirmala Devi W/o Shri Krishna Singh, R/o Vill. + P.O. Kopawaon, P.S. Dumraon, Distt. Buxar.
  7. Sudha Devi, W/o Shri Rajesh Singh, R/o Vill. + P.O. Chaura Distt. Balia (U.P.)

.... .... Petitioners

Versus

1. The State of Bihar.
2. Director, Department of Agriculture, Government of Bihar, Old Secretariat Building at Patna.
3. Joint Director, Department of Agriculture, Govt. of Bihar (Plant Protection) Old Secretariate Building at Patna.
4. Junior Plant Protection Officer, Rohtas at Sasaram.

.... .... Respondents

=====

**Appearance :**

For the Petitioner/s : Mr. Gopal Pandey

For the Respondent/s : AC to SC - 7

=====

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

6. 20-03-2017 Heard Sri Gopal Pandey, learned counsel for the petitioner and learned A.C. to Standing Counsel – 7.

2. The present writ petition was initially filed by the widow of an employee, who superannuated long back in the year 1997 and subsequently left for heavenly abode in the year 2006. Two years after the death of the husband, the widow approached this Court by way of filing the present writ petition, which was filed in the month of July, 2008, with a prayer to direct the



respondents to give benefit of 1<sup>st</sup> time bound promotion as well as benefit of A.C.P. in respect of her late husband.

3. During the pendency of the writ petition, subsequently, widow/petitioner also left for heavenly abode and thereafter, an interlocutory application was filed, vide I.A. No. 7568 of 2015 for substituting legal heirs, which was allowed and thereafter, sons and daughters of deceased employee were impleaded as petitioners in the present writ petition.

4. A plea has been taken by learned counsel for petitioners that for grant of benefit of time bound promotion, there was no requirement to consider passing of the departmental examination. He submits that on this very point, there are number of judgments and as such, a prayer has been made for directing the respondents to grant the benefit of time bound promotion as well as benefit of A.C.P.

5. At the time of argument, learned counsel for petitioners has not disputed the fact that A.C.P. (Assured Career Progression) was introduced in the year 2006, which was made applicable with effect from the year 1999. Meaning thereby that the deceased employee, since retired in the year 1997, was not at all entitled to get benefit of A.C.P. So far as relief for time bound promotion is concerned, the Court is of the opinion that such



petition is required to be rejected only on the ground that it is stale one. The deceased employee retired in the year 1997 and thereafter, finally he left for heavenly abode in the year 2006.

6. Considering the fact that after the death of the employee in the year 2006, who retired in the year 1997, two years thereafter the present writ petition was filed, there is no reason to entertain the petition.

7. The writ petition stands dismissed as the claim is stale one.

**(Rakesh Kumar, J.)**

Anay

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

