

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17914 of 2008

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Smt.Vidayawati Singh, wife of Late Madan Prasad Singh (Deceased)
Resident of Mohalla – Alamganj Choukhi, Police Station – Alamganj,
District – Patna.

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Saran at Chapra.
3. The Dy. Collector (Established), Saran at Chapra.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Singh

For the Respondent/s : AC to GA-8

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL JUDGMENT
Date: 17-03-2017

Heard Sri Upendra Kumar Singh, learned counsel for the
petitioner and learned A.C. to Govt. Advocate – 8.

2. The petitioner, who is widow of an employee who
superannuated long back on 31-01-1991 as Upper Division Clerk and
as informed by learned counsel for the petitioner that the employee
died on 17-10-2004, has approached this Court by filing the present
writ petition on 10-12-2008, with a prayer to quash an order contained
in Memo No. 1677/Estab dated 14-11-2007 (**Annexure – 6** to the writ
petition) whereby, the petitioner was intimated that the case of her
husband was considered and granting senior selection grade, the
retiral dues was fixed and was already paid. It was further indicated
that in the meeting of District Promotion Committee, the case of her
husband was considered and in the year 1992 itself, it was decided not



to grant benefit of super-time selection grade due to the reason that till the date of superannuation of the employee, there was no such post available. It appears that Annexure – 6 was issued in the year 2007 after legal notices were sent on behalf of the widow of the employee (i.e. petitioner).

3. Learned counsel for the petitioner tried to persuade the Court that benefit of super time selection grade was not required to be turned down on the ground of non-availability of the post, but without any rhyme and reason, the claim of her husband was rejected.

4. Learned State counsel submits that in this case, a counter affidavit has already been filed and it has been indicated that in the year 1992 itself, immediately after superannuation of the husband of the petitioner, his case was considered and he was granted senior selection grade and all retiral dues was accordingly fixed. A plea has been taken that the writ petition is fit to be rejected only-and-only on the ground of delay of more than 16 years.

5. Moreover, though the employee retired in the year 1991 and in the year 1992, benefit of senior selection grade was granted and he was refused the benefit of super time selection grade, on record, there is nothing to suggest that employee had raised such grievance. On perusal of the record, it appears that much after the death of the employee, the petitioner, who is widow, started to raise



the dispute.

6. Consider the fact that the matter is stale one, there is no reason to pass a positive order.

7. The writ petition stands dismissed.

(Rakesh Kumar, J.)

Anay

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