IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19010 of 2008

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Hit Narayan Prasad, Son of Late Darbari Prasad, Resident of Mohalla Shastri Nagar, College Road, Road No. 8, P.S. – Munger, District-Munger.
At present C/O Sri Sanjay Singh, Hanuman Nagar, Near bypass, Subhash Nagar, Lane No. 2, Khemni Chak, P.S. Patrakar Nagar, District – Patna-20.

.... Petitioner

Versus

1. The State of Bihar.
2. The Secretary, Finance Department, Old Secretariat, Patna.
3. The Chief Controller of Accounts, Finance (Audit) Department, Old Secretariat (Barrack), Patna.
4. The Incharge, Deputy Controller of Accounts Finance (Audit) Combined Building, Magadh Division, Gaya.
5. The Under Secretary Claim Cell, Finance Department, Old Secretariat, (Barrack), Patna.
6. The Accountant General, A.G. Office, Birchand Patel Path, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Kartik Kumar Sinha, Advocate.
Mr. Mala Sinha, Advocate.

For the Respondents : Mr. (GP4)
Mr. J.P.Karn

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 07-02-2017

<u>I.A. No. 576 of 2017</u>

Learned counsel for the petitioner submits that names of the persons mentioned in paragraph 2 of the I.A. No. 576 of 2017 are the daughters and sons of the petitioner Hit Narayan Prasad who died on 05.03.2015.

2. Learned counsel for the petitioner is permitted to expunge the name of petitioner Hit Narayan Prasad and substitute names of his daughters and sons.

3. I.A. No. 576 of 2017 is allowed.

4. The petitioner filed this writ petition for direction to the respondents to give three increments with effect from 1986-1989 on account of promotion to the petitioner. The petitioner joined as Audit Clerk in the Finance Audit Department in the year 1956. On 22.09.1986, the petitioner was promoted to the post of Deputy Controller of Accounts but after promotion the petitioner did not get any increment from the year 1986 till his retirement in the year 1989. The increment was not given to the petitioner on the ground that the petitioner did not pass the Hindi Examination.

5. Learned counsel for the petitioner submits that stoppage of the increments of the petitioner is arbitrary and bad in law but it appears that the petitioner was promoted in the year 1986 and he was given all consequential benefits. The petitioner retired in the year 1989 but he did not take any step if the authority did not grant him the increments. The petitioner filed this writ petition in the year 2008 i.e. after 19 years after his superannuation.

6. The claim of the petitioner is stale on this ground alone I do not find any merit in this writ petition. Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J.)

KKSINHA/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	