

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1342 of 2014  
IN  
Civil Writ Jurisdiction Case No. 3581 of 2014**

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Krishna Kumar Singh, Retired Assistant Engineer, Water Resources Department at present resident of Mohalla – Bishnu Bhawan, Mini LIC, Chitragupta Nagar, Kankarbagh, District – Patna

.... .... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhavan, Bailey Road, Patna
2. The Engineer-in-Chief, Water Resources Department, Sinchai Bhavan, Bailey Road, Patna
3. The Deputy Secretary, Water Resources Department, Sinchai Bhavan, Bailey Road, Patna
4. The Chief Engineer, Aurangabad, Water Resources Department, Bihar
5. The Executive Engineer, North Coal Canal Division, Japala, Jharkhand

.... .... Respondent/s

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**Appearance :**

|                      |   |                                                               |
|----------------------|---|---------------------------------------------------------------|
| For the Appellant/s  | : | Mr. Madhuresh Prasad, Advocate<br>Mr. Rajani Ranjan Pd. Singh |
| For the Respondent/s | : | Mr. Ravi Bhardwaj,<br>AC to GA-13                             |

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI  
and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 27-04-2017**

Heard learned counsels for the parties.

The appeal has no merit. A very short order has come to be passed by the Learned Single Judge no doubt on 24.07.2014,



because of the fact that the appellant, who was the petitioner, claimed himself to have retired from the post of Assistant Engineer on 28<sup>th</sup> of February, 2002, but he chose to approach the High Court in the year 2014, seeking direction for promotion. It was a very delayed kind of prayer to make, which did not instill confidence in the Learned Single Judge to entertain such stale and belated prayer. It was not a misplaced kind of view to take. Therefore, the dismissal of the writ on the ground of delay and laches cannot be said to be an illegal exercise of power by the Learned Single Judge.

Counsel for the appellant now changes his stand and wants to bring additional material to show that he had already joined on the post of Assistant Engineer and that he is entitled to the notification, contained in Annexure-A and B, annexed with the counter affidavit of the State.

In the counter affidavit, joining of the appellant on the post is disputed. However, so far as grant of selection grade is concerned, the stand of the State is that the same is under consideration of the Finance Department and the decision of the Finance Department will be placed before the Cabinet and the outcome of such a decision will govern such claim.

The Court has nothing more to offer or add over and above what the State has said. If the appellant is entitled to these benefits, it goes without saying that the same will accrue to him, as and when a decision is taken in this regard.



Otherwise, the appeal lacks merit, and it is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

SKM/-

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