

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6489 of 2015

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Shailendra Kumar Jha, Son of Late Tejan Jha, Resident of Manik Chowk, Police Station- Runnisaidpur, District- Sitamarhi.

... Petitioner

Versus

1. The State of Bihar through the Dept of Primary Education Bihar, Patna.
2. The Commissioner-cum-Principal Secretary, Primary Education, Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Estb.) Patna.
6. The Patna Municipal Corporation, Patna through it two Commissioner, Patna.
7. The Town Commissioner, Patna Municipal Corporation, Patna.
8. The Account General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Respondent/s : Mr. Prashant Pratap GP-6

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 19-01-2017

By way of the present writ petition, the petitioner has made claim for payment of rest of the General Provident Fund and Gratuity amount of his deceased father.

2. It is submitted by the learned counsel for the petitioner that the petitioner's father retired as Assistant Teacher after completion of 58 years on 30.11.1984 and since then, he had received his pension. It is further submitted that Rs.2743.00 under the head of Provident Fund and Rs.2700/- under the head of Gratuity was not paid to the petitioner's father after his retirement. In this regard, his father made several representations and subsequently, he died, but the payments were not released.



3. The petitioner has not given the date or year of death of his father. On query being made by the Court, learned counsel for the petitioner expressed his inability to disclose either the date or year of death of the petitioner's father.

4. Learned counsel for the State submitted that the claim made by the petitioner is quite vague. He submitted that the employee, who retired in 1994, never approached this Court in respect of the claim being made by the petitioner and the petitioner without obtaining any succession certificate and without disclosing the date or year of death of his father has approached this Court after more than three decades from the date of cause of action.

5. I find substance in the argument of learned counsel for the State. The claim made by the learned counsel for the petitioner is too bad and is out of time. The door of the Court is now locked even on equity as the doctrine of laches is based on the maxim "*equity aids the vigilant and not those who slumber on their rights*".

6. Accordingly, the writ petition is dismissed.

(Ashwani Kumar Singh, J.)

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CAV DATE	...
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