

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3612 of 2009

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Suresh Prasad Singh, son of Sri Ramdeni Singh resident of village Amnaur Sultanganj P.O. & P.S. Amnaur District Chapra at present residing C/O S.N. Mishra, Indira Nagar, Kachchi Pakki Road, Atardah, P.O. Remna Muzaffarpur

.... Petitioner/s

Versus

1. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna
2. The Secretary, Bihar State Electricity Board Vidyut Bhawan, Bailey Road, Patna
3. The Director Security Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar

For the Respondent/s : Mr. Vinay Kirti Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 04-04-2017

1. Heard Dr. Amarendra Narayan , learned counsel, assisted by Sri Deepak Kumar , learned counsel for the petitioner and Sri Vinay Kirti Singh , learned senior counsel, assisted by Sri Vijay Kumar Verma, learned counsel appearing on behalf of all the respondents/ Bihar State Electricity Board.

2. The petitioner, who superannuated with effect from 31.7.2008 in the capacity of Intelligence Officer Grade- I has filed the present writ petition in the year 2009 with a prayer to direct the respondents to grant him promotion as Intelligence Officer Grade -II with effect from the date on which persons appointed subsequent to the petitioner were promoted. Detail of such persons has been mentioned in paragraph no. 6 of the petition. On going through



paragraph no. 6 it is evident that most of the persons over whom petitioner is claiming seniority were promoted as Assistant Intelligence Officer, Grade -II long back in between 1970 and 1974. Meaning thereby that if for the time being it is assumed that petitioner was having any case , cause of action for the same arose in the year 1974 itself . On the ground of laches and delay the writ petition is fit to be rejected. Besides this it has been admitted by learned counsel for the petitioner that from the post which he was earlier holding i.e. Watcher Constable to the post of Assistant Intelligence Officer Grade -II there was no promotion on the basis of length of service but it was promotion on seniority –cum- merit basis. Meaning thereby that only on the ground that petitioner was appointed prior to the persons who were promoted / selected as Assistant Intelligence Officer, Grade- II the petitioner may not claim his case as a matter of right. Primarily on the ground that the petition has been filed much belatedly and petitioner slumbered over his right for several years, there is no reason to entertain the writ petition.

3. The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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