IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7433 of 2014

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Akhilesh Kumar Pathak son of Late Diwakant Pathak, resident of village- Kalai, P.S- Harpur, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Agriculture, Government of Bihar, Patna.
2. The District Magistrate, Jamui.
3. The District Agriculture Officer, Jamui.
4. The Sub- Divisional Agriculture Officer, Jamui.
5. Block Development Officer, Sheikhpura, Munger.
6. The Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the State : Mr. Vivek Anand Amritesh, A.C. to S.C.-28

For the Accountant General : Mrs. Nivedita Nirvikar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 03-03-2017

This writ application has been filed by the petitioner with a prayer to direct the respondents to reassess the computation of amount of gratuity, fixation of pension and other amount arising out of death in harness of the father of the petitioner during service period by taking into account the tenure of service from period 07.02.1973 to 22.06.1994 including the period 07.12.1973 to 12.10.1983 and by granting time bound promotion to him and further to direct to pay the same forthwith.

2. The father of the petitioner, a village level worker died in harness on 22.06.1994 leaving behind his wife, namely, Sutisana Devi, Nripendra Kumar Pathak (son - 28 years), Dwijendra Kumar Pathak (son - 24 years), Mukesh Kumar (son - 16 years), Sangeeta Kumari (daughter -14 years), Sandhya Kumari (daughter - 12 years), Akhilesh Kumar (son -5 years) and Brajendra Kumar (son - about 2 years).

3.Admittedly,the family pension and other dues were paid to the dependants of the deceased employee immediately after his death.

4. As noted above, it would be evident that there were three major members in the family at the time of death of the deceased employee, the widow and two sons of the deceased employee. No grievance was raised by them in respect of fixation of pension amount etc. at any point of time.

5. However, almost twenty years after death of the deceased employee and after payment of admissible dues, the present writ petition has been filed by the petitioner on 16.04.2014 claiming that there was error in fixation of family pension and gratuity. The petitioner claims that at the time of death of the deceased employee he was about five years old and, hence, the petition could not be filed earlier.

6. It is true that the petitioner has stated that earlier representations were filed by his elder brother for redressal of the grievance before the authorities, however, in the opinion of this Court mere filing of representations would not be adequate explanation to take care of inordinate delay and laches in approaching the Court.

7. In view of the extraordinary delay of over two decades, I am not inclined to entertain the present application under extraordinary writ jurisdiction.

8. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J)

Md.S./-

AFR/NAFR	NAFR
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