

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.379 of 2017

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Jagdish Mishra, Son of Late Daro Mishra, Resident of Mohalla-Vivek Bihar Colony, Road No.1, Hanuman Nagar, P.S.- Patrakarnagar, Kankarbagh, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department, of Land Reforms and Revenue, Government of Bihar, Patna.
2. The Director, Department of Land Reforms and Revenue, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Patna.
4. The Circle Officer, Danapur, District-Patna.
5. The Accountant General (A & E), Bihar, Patna.
6. The Treasury Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Respondent-State : Mr. Raj Kishore Roy, GP-18
For the Respondent-AG : Dr. Anand Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 17-11-2017

Heard Mr. Pramod Kumar, learned counsel appearing for the petitioner, Mr. Raj Kishore Roy, learned Government Pleader No.18 for the State and Dr. Anand Kumar, learned counsel appearing for the Accountant General, Bihar, Patna.

The petitioner prays for grant of 3rd Assured Career Progression from 2009. The petitioner has superannuated on 31.1.2013.

A plea has been taken in the counter affidavit in reference to a vigilance case in which charge-sheet has been submitted on 23.9.2011.

I have heard learned counsel for the parties and I have perused the records.

Though it is rightly argued by Mr. Pramod Kumar, learned



counsel appearing for the petitioner that the date on which the petitioner was entitled for grant of 3rd ACP i.e. 2009, there was no criminal case instituted or pending against the petitioner and thus the reasons assigned for rejection of the claim would not apply to the petitioner but the fact remains that although the petitioner is seeking progression under the scheme with effect from 2009 but he never chose to raise any claim either before or soon after the date on which he became entitled during his service period. In fact even though the petitioner retired 4 years back on 31.1.2013 yet he kept mum all these years to raise a clam only on 14.6.2016 vide Annexure-2.

In my opinion the petitioner having failed to raise claim during his service career or soon after his retirement he cannot be allowed to indulge in luxurious litigation to awake after 8 years to raise a stale claim.

In the circumstances discussed, I am not persuaded to grant indulgence.

The writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.11.2017
Transmission Date	NA

