

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14734 of 2010

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KRISHNA DEO JHA S/O LATE ABHIRAMAN JHA R/O VILL.-
BABHANGAMA, P.O.- BEENA, P.S. AND DISTT.- SUPAUL

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE COMMISSIONER-CUM-SECRETARY AGRICULTURE
DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
3. THE DIRECTOR, HORTICULTURE DEPARTMENT NAUTAN BIHAR,
PATNA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar
For the Respondent/s : Mr. (Gp14)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 18-06-2018 The present writ petition has been filed for quashing the letter of the Respondent dated 26.09.2008 whereby and whereunder the petitioner has been intimated that he has already been granted the benefits of 1st and 2nd time bound promotion as well as he has been granted promotion on the post of Sub Divisional Horticulture Officer after retirement with retrospective effect from 31.12.1990. In the said letter dated 26.09.2008, it has further been stated that as far as the claim of the petitioner for grant of promotion in the scale of Rs. 1880-3300/- is concerned, guidance was sought for from the Finance Department, however, the Finance Department had turned down the same.

The learned counsel for the petitioner in the entire



writ petition has not been able to even remotely make out any case for grant of promotion in the pay-scale of Rs. 1880-3300/- instead of Rs. 1600-2780/-, which he has already been granted.

On the contrary, the learned counsel for the Respondent has submitted that the petitioner superannuated on 30.01.1995 and has agitated his claim after lapse of 15-16 years, as such, the present writ petition is liable to be dismissed on the ground of delay and laches alone. The learned counsel for the Respondent has further submitted that the petitioner has already been promoted to the post of Sub-Divisional Horticulture Officer with effect from 31.12.1990 and has been granted the scale of Rs. 1600-2780/-. It is further submitted that the claim of the petitioner for grant of the scale of 1880-3300/- is not tenable inasmuch as according to the Finance Department, no such scale exists vis-a-vis the post on which the petitioner was promoted at that moment of time. It is further submitted that the petitioner has not been able to show that on the said post of Sub-Divisional Horticulture Officer, any similarly situated officer is being granted the pay-scale of Rs.1880-3300/-.

Having regard to the facts and circumstances of the case, the present writ petition is devoid of any merit apart from the fact that the same suffers from the gross delay and laches,



hence, the same is dismissed.

(Mohit Kumar Shah, J)

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