

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6381 of 2019

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Mohan Jha, aged about 73 years, Male, S/o Late Asarfi Jha, Resident of Vill.-
Shiv Narayanpur, P.O.- Mathurapur, P.S.- Kahalgaon, Distt.- Bhagalpur
... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary Water Resources Department, Irrigation Building,
Govt. of Bihar, Patna
3. The Chief Engineer Water Resources Department, Darbhanga, Distt.-
Darbhanga
4. The Superintending Engineer Koshi Canal Circle, Madhubani, Distt.-
Madhubani
5. The Executive Engineer Western Koshi Canal Division No.1, Madhubani
6. The Accountant General Bihar Birchand Patel Marg, Patna

... Respondents

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Appearance :

For the Petitioner	:	Mr. Pranav Kumar Jha, Adv.
For the State	:	Mr. Harish Kumar, GP VIII
For the AG	:	Mr. Shiv Kumar, Adv.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 02-04-2019 Heard the learned counsel for the petitioner and the

learned counsels appearing for the State as well as the

Accountant General, Bihar, Patna.

Counsel for the petitioner submits that in the earlier
round of litigation when the petitioner approached this Court in
C.W.J.C. No. 14717 of 2004 for quashing the office order, dated
20.02.2004, wherein his pay scale have been reduced to
Rs.6,000/- from Rs.6,200/- and the subsequent order of recovery
of Rs.1,04,249/-, this Court after hearing the parties by it's
order, dated 10.08.2007, quashed the order, dated 20.02.2004,
and the recovery order, dated 30.09.2004, and directed the



petitioner to represent before the authorities against the calculation of the pay scale and satisfy the authorities as to the wrong calculation from 1981 till the date of retirement within a period of six months. A specific direction was also in the order that if the petitioner does not file a representation and does not dispute the ultimate re-fixation within a period of six months, the respondent, Chief Engineer, will simply pass an order re-affirming his earlier order and would also direct for recovery of the amount.

The petitioner now challenges the order passed on 28.05.2015, as contained in Annexure 20, whereby the calculation through representation of the petitioner has been rejected on the ground of delay and being time barred. The purport of the impugned order is that although the order was passed in the earlier round of litigation on 10.08.2007, the petitioner would have had to represent within six months from the date of the order, but, the petitioner represented on 24.08.2012, after a period of five years from the date of the order, which was, thus, rejected on the ground of being time barred.

Considering the specific directions in the earlier writ application, being C.W.J.C. No. 14717 of 2004, the petitioner



did not avail his remedy within the time stipulated in the earlier order and has preferred a representation before the respondent no. 3 much after the period of six months as directed by this Court in the said writ application, which time was never extended nor a review thereto was ever filed.

Under the facts and circumstances, this writ application is devoid of any merit and, accordingly, **dismissed**.

(Nilu Agrawal, J)

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