

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8217 of 2019

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Krishna Kumar Singh, aged about 75 years, male, S/o Late Narsingh Narayan Singh, Resident of Village- Barkagaon, P.S.- Tarari, Distt.- Bhojpur at Arrah, at present residing at C/o- Kumar Brajesh, Asstt. Commandant, CRPF, Quarter No. A/16, Type IV, Group Centre, CRPF, Mokamaghat, Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, Water Resources Department, Govt. of Bihar, Patna.
4. The Engineer-in-Chief, Water Resources Department, Govt. of Bihar, Patna.
5. The Chief Engineer, Water Resources Department, Govt. of Bihar, Patna.
6. The Executive Engineer, North Koel Canal Division, Water Resources Department, Govt. of Bihar, Patna.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Onkar Kumar, Adv.
For the State : Mr. Akash Chaturvedi, AC to SC-11
For the AG : Mr. Uday Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 16-05-2019

The petitioner has approached this Court for directing the respondent authorities to consider and grant to him Junior Selection Grade, Senior Selection Grade and Super Selection Grade with effect from 01.01.1975,



01.04.1981 and 01.04.1989 respectively as juniors to him have been given the aforesaid Selection Grade and the same has unnecessarily been withheld from the petitioner.

2. It has been submitted on behalf of the petitioner that he had joined the service as Junior Engineer in the Irrigation Department (now Water Resources Department, Govt. of Bihar, Patna) in the year 1964. During the service tenure, several juniors to the petitioner were given the Junior Selection Grade and Senior Selection Grade. The petitioner superannuated in the year 2002. Since, the petitioner was not granted promotion to which he was entitled, he approached this Court *vide* C.W.J.C. No. 3581 of 2014. The aforesaid case was dismissed *vide* order dated 24.07.2014, on the sole ground of delay and laches for having approached the Court after twelve years of his retirement. Since the petitioner was absolutely sanguine about his claim, he challenged the aforesaid order dated 24.07.2014 *vide* L.P.A. No. 1342 of 2014. The L.P.A. Court did not disagree with the observation of the learned Single Judge of the issue of delay and laches on the part of the



petitioner, but took note of the fact that the Government/respondents in the counter affidavit had admitted that the question of granting Selection Grade to the petitioner was pending consideration before the Finance Department and once such consideration was made, the matter would be placed before the Cabinet for final approval. The decision ultimately of the Cabinet would govern the issue of grant of Selection Grade to the petitioner. Finding this statement in the counter affidavit, the Appellate Court observed that with such clear stand of the State, nothing further was required to be said except reiterating that if the petitioner (appellant therein) was found to be entitled to the benefits, it ought to accrue to him, as and when such decision would be taken in that regard.

3. The petitioner is constrained to approach this Court now in the year 2019 only to intimate the Court that till date, no decision has been taken either by the Finance Department, Govt. of Bihar and, therefore, by the Cabinet regarding such claim of the petitioner, which, according to the Government/respondents, was under consideration.



4. This is a sorry state of affairs even if it concerns an understrapper who has retired a long time ago. If the claim of the petitioner was not tenable, any decision in that regard ought to have been taken and it does not behove of a model employer to keep such matters pending. This appears to be an illustrative case where the Court can easily surmount the hurdle of laches and delay on the part of the petitioner. With such stand of the Government/respondents before the Appellate Court (L.P.A. No. 1342 of 2014), the Appellate Court was persuaded not to pass any order and the observation of the Court only served as a gloss over the existing/disclosed stand of the State.

5. This Court rests its observation at this.

6. The petitioner, under the aforesaid circumstances, is directed to make a representation before the Principal Secretary, Water Resources Department, Govt. of Bihar (respondent No. 2) within a period of four weeks from today, enclosing a copy of this order, who, after verifying the records, shall pass/cause to be passed a reasoned order in accordance with law within a further period



of twelve weeks thereafter.

7. If any decision has been taken by the Department concerned, whether it is in favour of the petitioner or not, the same must be communicated to the petitioner within a reasonable period of time. In case, the claim of the petitioner is ultimately found to be tenable, necessary sequel order should also be passed within a reasonable period of time.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

9. It is necessary to state that the aforementioned observations have been made only on the fact that the issue remained pending at the level of the Government/respondents for such a long time, forcing/compelling the petitioner to approach this Court again.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.05.2019
Transmission Date	N/A

