

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.241 of 2012

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JAGDISH MISTRI S/O Ram Devan Sao R/O Village- Harnichak, P.S.-
Phulwari Sharif, District- Patna

... .. Petitioner

Versus

1. The State Of Bihar
2. The Principal Secretary Department Of Public Works, Bihar, Patna
3. The Engineer-In-Chief, Building Construction Department, Bihar, Patna
4. The Chief Engineer, Building Construction Department, Bihar, Patna
5. The Superintending Engineer South Bihar Circle, Building Construction Department, Bihar, Patna
6. The Executive Engineer, Building Construction Department, Patna
7. The Accountant General, Bihar, Patna

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Abhinay Raj
For the Respondent/s	:	Mr. Sanjay Kumar, AC to Gp23
For A.G.	:	Ms. Namrata Mishra

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-11-2019 Counter affidavit of the State discloses that the benefits on account of 1st ACP and second ACP have already been granted to the petitioner.

The petitioner not being satisfied with the monetary benefits granted thereunder has filed an Interlocutory Application, wherein it is the stand of the petitioner that the original fixation of his pay scale at the time of his appointment in 1970 requires a relook/reconsideration having regard to fixation in respect of other similarly situated. Such assertion is not supported by any specific instance to support the allegation



of any discrimination in the matter of fixation of his pay scale at the time of his appointment in 1970.

Pleadings are inadequate to arrive at a conclusion on entitlement claimed by the petitioner. The claim is also belated. There is also laches on part of the petitioner, in not ascertaining his claim earlier.

For these reasons this court refuses to exercise jurisdiction under Article 226 of the Constitution of India in favour of the petitioner.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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