

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17027 of 2011

=====

Krishna Kumar Sinha Son Of Late Ram Ashray Singh Resident Of Village
Gulamehiabagh, P.O. Kachchi Dargah, District- Patna- 803201

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Chief Secretary, Govt. Of Bihar, Old Secretariat, Bihar, Patna- 800001
3. The Secretary Human Resource Development Deptt. Govt. Of Bihar, Patna- 800001
4. The Director Administration-Cum- Joint Secretary, Human Resources Development Deptt, Govt, Of Bihar
5. The Secretary, Personal And Administrative Reforms Deptt. Govt. Of Bihar, Patna- 800001
6. Prashakha Sub Branch Officer Establishment Br. 4 Human Resources Development Deptt. Govt. Of Bihar
7. The Accounts General, Bihar Birchand Patel Path, Patna- 800001
8. The Director, Secondary, Priamry And Adult Education Deptt. Under Human Resources Development Deptt.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Prasad
For the Respondent/s : Mr.Anuj Kumar, AC to GP 24

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 23-09-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Shorn of unnecessary details relevant fact forming the
basis of claim is that the petitioner was appointed as steno-typist
in the Human Resources Department on 18.11.1971. He has
filed this writ petition claiming benefit of time bound
progression as he retired from the same post on 31.05.2003.

Respondents have placed on record counter affidavit.



It is the specific stand of the respondents that the petitioner by up-gradation was appointed on the post of personal assistant with effect from 23.06.1995 by annexure 2 to the writ petition. From 1995-2003 he did not join on the post. In the circumstance, stand of the State is that since petitioner himself has chosen not to avail benefit of up-gradation of the post, he is estopped from claiming of ACP.

Stand of the respondents-State in the counter affidavit is not denied or disputed by counsel for the petitioner by filing any reply or rejoinder.

This court would observe that there is nothing on record to show that having retired in 2003 from the post of steno-typist, why writ petition has been filed belatedly in the year 2011 claiming benefit of time bound promotion/ACP with effect from a much earlier date i.e. 1995.

Claim is clearly belated. Apart from delay, undisputed position emerging from the records is that pursuant to his up-gradation/ promotion by annexure 2, he himself chose not to join the post of personal assistant. This court would find that facts reveal laches on part of the petitioner, apart from delay.

In view of the aforesaid facts, this court is not inclined to exercise the jurisdiction in favour of the petitioner for issuing



any direction for grant of ACP or time bound promotion to the petitioner.

Writ petition is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

U			
---	--	--	--

