

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12659 of 2019

=====

Pappu Kumar @ Pappu Kumar Ram Son of Arun Ram Resident of Village-
Amha, Ward no. 4, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Secretary Rural Development Department, Govt. of Bihar, Old
Secretariat, Bailey Road, Patna.
3. The Commissioner District Rural Development Agency, Govt. of Bihar,
Saharsa.
4. The Deputy Development Commissioner District Rural Development
Agency, Govt. of Bihar, Saharsa.
5. The Director District Rural Development Agency, Govt. of Bihar, Saharsa.
6. The District Magistrate Saharsa.
7. The Chairman Zila Parishad, Saharsa.
8. The Deputy Development Commissioner -cum- Chief Executive Officer Zila
Parishad, Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Jha, Adv
For the Respondent/s	:	Mr.Vikash Kumar

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 27-02-2020

Heard learned counsel for petitioner and learned counsel
for the respondent-State.

The writ petitioner seeks payment of arrears of
honorarium with interest for altogether seven months period



during which he claims to have performed the duties of a Computer Operator at *Swarn Gram Swarozgar Yojana* (for short 'SGSY') under the control of the District Rural Development Authority (for short DRDA) *Saharsa*. The break up of the period of seven months is between 01.03.2013 to 17.05.2013 under the Deputy Development Commissioner-cum-Chief Executive Officer, *Zila Parishad, Saharsa* and from December, 2013 to March, 2014 under the Chairman, *Zila Parishad, Saharsa*. Claim for honorarium for services discharged during the two different periods between 01.03.2013 to March, 2014 has been raised in the writ proceedings which have been instituted by the petitioner on 25.06.2019.

From the averments made in paragraph nos. 10,11 and 15 of the writ petition it is evident that admittedly after November 2013 the authorities have not taken any work from the petitioner nor has he been paid any honorarium. The case of the petitioner from the pleadings in the writ petition is that he has not been working since November, 2013 and nor has he been paid any honorarium from November, 2013 till filing of the writ petition. There is only an averments that the petitioner has been sending representations and approaching the authority for the last more than five years for payment of honorarium for the



seven months period and for allowing him to continue as a Computer Operator. The long lapse of more than five years, in the meantime, is clearly a gross example of delay and laches.

The claim for seven months honorarium in between 01.03.2013 to March, 2014 if at all was required to be raised by petitioner within a reasonable time after March, 2014, when the same became due, the term reasonable has fell for consideration before the Courts on earlier occasion also, reasonable time has also been defined by the courts earlier. By now, it is settled that reasonable time means such period of time within which the prudent person acting diligently from the date on which claim arises would act, having regard to genuine convenience. The petitioner has approached the Court for honorarium more than five years after the same became due. In the meantime, admittedly, authorities have not continued him as a Computer Operation and have not taken any work from him. Having allowed this position to attain finality for more than five years, the petitioner now cannot be permitted to claim that he should be made to continue as a Computer Operator. The claim of the petitioner for seven months honorarium is a money claim which became due to the petitioner even as per his own case in March, 2014 itself. This Court is not inclined to entertain such



money claim in respect of his seven months honorarium raised more than five years after the same became due to the petitioner. This case is clearly one of delay and laches defeating the claim of the petitioner.

The writ petition is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	17.03.2020
Transmission Date	

