

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20587 of 2014**

Lal Babu Singh Son of Late Sheoji Singh Resident of Birla Colony, Near Shiv  
Mandir, P.O. and P.S. Phulwari Sharif, District - Patna - 801505

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna
3. The Joint Secretary, Department of Finance, Govt. of Bihar, Patna

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Ram Kishore Singh  
For the Respondent/s : None

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      14-12-2022                      Heard Mr. Ram Kishore Singh, learned counsel for  
the petitioner.

No one appears for the State.

Revised pay scale to the petitioner was granted with effect from 01.02.2000. The petitioner retired in the year 2011. From the facts of the case it transpires that petitioner did not raise any objection regarding grant of revised scale of Rs. 5000-8000/- on the post of “Head Typist” for the last 10-11 years and after retirement, the petitioner has filed the present writ application claiming revised scale with effect from 01.01.1996, which according to the petitioner was granted to similarly situated persons and the writ petition filed by them was allowed and L.P.A. was dismissed in the year 2011.

I have heard learned counsel for the petitioner. The fact is that petitioner did not raise any grievance earlier regarding grant of pay scale of Rs. 5000-8000/- with effect from



01.02.2000 and accepted the pay scale for many years and after retirement in the year 2011 on the basis of some judgments passed in the case of other employees he has approached this court in 2014 demanding the aforesaid scale with effect from 01.01.1996. This court is of the opinion that petitioner cannot be granted this scale with back date particularly when he accepted the scale granted to him with effect from 01.02.2000 and continued to receive the salary on that scale for about more than 14 years.

Now the petitioner has raised the claim which he did not pursue for the last 14 years. He was not vigilant but was satisfied to be sitting on fence till the case of some other employees came to be decided by this Court. It is settled law that fence sitters cannot be allowed to raise claim or dispute after a long time as a matter of right. As such, the benefit of pay scale to the petitioner with back date of 01.01.1996 cannot be given and also not be given on the ground of delay and laches.

This application is accordingly dismissed.

**(Anil Kumar Sinha, J)**

praful/-

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