

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.839 of 2019

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Jag Narayan Sharma S/o Late Ram Tahal Sharma Resident of Village-
Singriama, P.S.- Shahjahanpur, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Water Resources Department, Government of Bihar, Patna
2. The Principle Secretary, Water Resources Department, Government of Bihar, Patna
3. Engineer in Chief cum Special Secretary, Water Resources Department, Government of Bihar, Patna
4. The Chief Engineer, Flood Control and Water Discharge, Water Resources Department, Muzaffarpur
5. The Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar singh, Advocate
For the State : Mr. Akash Chaturvedi, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 26-06-2023

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

2. From Annexure- 2 of the writ petition, it is apparent that the petitioner had approached this Court vide C.W.J.C. No. 9312 of 2000. The petitioner's prayer for grant of retiral benefits was considered and this Court passed the following order:-

“The writ petition is disposed of directing



the petitioner to appear before respondent no.7 along with a copy of this order within 3 weeks next and on receipt of such order, respondent no.7 shall get the service book of the petitioner complete and pass necessary sanction order regarding final pension, final gratuity, leave encashment within a period of ten weeks from the date of receipt of a copy of the order and issue the same to the Accountant General. On receipt of the sanction order, respondent no.8 shall shall act and pass necessary payment order within a period of 4 weeks next thereafter. In respect of GPF accumulated dues of the petitioner, the same be placed before the respondent no.9 alongwith a copy of this order within a period of 4 weeks and on receipt of the same, respondent no.9 shall consult service record of the petitioner collected, collect the GPF deduction of the petitioner and then make authorisation of payment of GPF amount alongwith upto date statutory interest within 8 weeks next thereafter.”

3. Subsequent to this order dated 07.03.2002, the petitioner had also approached this Court by way of contempt application, bearing MJC No. 508 of 2003. The same has been closed by this Court by recording as follows:-

“The retiral dues of the petitioner are thus finally settled and the earlier direction given by



this court stands complied with. No further order need be passed in this case. Let the record of this case be closed.”

4. Apparently, the entire claims of the petitioner regarding his service period, which came to an end after superannuation on 31.12.1998, stood concluded by the two (2) orders passed in the C.W.J.C. No. 9312 of 2000 as well as MJC No. 508 of 2003 on 23.10.2003.

5. Now this writ application has been filed in the year 2019 with a prayer that he be granted second time bound promotion under a time bound promotion scheme which came to an end in the year 1999 itself.

6. He, however places reliance on Annexure- 6 of the writ petition, which is response of the petitioner's application under Right to Information Act (for brevity 'RTI Act'). This response also is dated 31.01.2011 and reads as follows:-

"उपर्युक्त विषयक प्रासंगिक पत्र द्वारा प्राप्त सूचना का अधिकार अधिनियम-2005 के तहत सूचना प्राप्त करने हेतु आपका अभ्यावेदन दिनांक - 17.09.2011 के सम्बन्ध में सूचित करना है कि आवेदन में उल्लिखित इस कार्यालय के पत्रांक- 1160 दिनांक 17.12.06 द्वारा आपकी पुर्नगठित सेवापुस्त एवं जाँच पत्र 'ख' प्रथम कालबद्ध प्रोन्नति की सम्पुष्टि एवं द्वितीय कालबद्ध प्रोन्नति प्रदान करने हेतु तत्कालीन अवर सचिव (प्रबन्धन), श्री विमल कुमार नीरज को प्रेषित की गई



है। इस सम्बन्ध में संचिका में किसी अग्रेतर कार्रवाई की सूचना अनुपलब्ध है। कालबद्ध प्रोन्नति सम्बन्धी आपके मामले में पुनः विभाग को स्मारित किया जा रहा है। इस सम्बन्ध में विभाग स्तर से ही आपके मामले में कार्रवाई की जानी है।

अनुरोध है कि कालबद्ध प्रोन्नति के सम्बन्ध में की गई अग्रेतर कार्रवाई की सूचना हेतु विभाग से ही अनुरोध किया जाय।"

7. Learned counsel for the petitioner has not made any submissions as to how such a reply under the RTI Act can revive a stale claim of the petitioner pertaining to his service, which ended in the year 1998, for benefits under a time bound promotion scheme, which admittedly ended in 1999; and that also when this issue has been considered by this Court and finally closed in the proceedings arising out of C.W.J.C. No. 9312 of 2000 and MJC No. 508 of 2003, relevant extract of which has been noted above.

8. The writ petitioner apparently has resorted to this luxury of litigation, which also is barred by delay and laches, to raise a claim which was considered and stands concluded in earlier writ and contempt proceedings. This Court therefore considers it appropriate to discourage such approach to the extraordinary and discretionary writ jurisdiction, but would refrain from imposing costs.



9. The writ application is dismissed.

(Madhuresh Prasad, J)

Raj kishore/-

AFR/NAFR	NAFR
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