

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11294 of 2016

Subhadra Nath Prasad Wife of Late Trilok Nath Prasad resident of B-34,
Vasisth Colony, Harnichak, P.O.- Anisabad. P.S. - Phulwari Shariff, Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Agriculture Production Commissioner cum Secretary, Department of Agriculture, Government of Bihar, New Secretariat, Patna.
3. The Director, Department of Agriculture, Government of Bihar, New Secretariat, Patna.
4. The Bihar State Agriculture marketing Board now repealed, through its Administrator, Pant Bhawan, Bailey Road, Patna.
5. The Administrator, Bihar State Agriculture Marketing Board now repealed, Pant Bhawan, Bailey Road, Patna.
6. The Accountant General, Bihar, Bir Chand Patel Marg, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Advocate Mr. Manas Rajdeep, Advocate Mr. Shubham Kumar Uphadhaya, Advocate
For the State	:	Mr. AG to AAG-4
For the AG	:	Mr. Bindhyachal Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 15-07-2025

Heard learned Senior counsel for the petitioner,
learned counsel for the State and learned counsel for the
Accountant General, Bihar, Patna.

2. The present writ petition has been filed for the
following relief/s:-

*“I. For commanding the respondent
authorities to consider the case of the
husband of the petitioner for a second time*



bound promotion after completion of twenty five years of service as many persons appointed along with the husband of the petitioner have been granted the second time bound promotion with effect from due date.

II. For direction upon the respondent authorities to pay all the consequential benefit along with suitable interest after extending the benefit of the second time bound promotion payable to the husband of the petitioner.

III. For quashing of the order contained in Memo no. 1754 dated 4.6.2007 issued under the signature of Director, Agriculture, Government of Bihar, by which the claim of the petitioner for second time bound promotion has been rejected without application of mind.

IV. Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case be granted to the petitioner.”

3. Learned Senior counsel for the petitioner submits that the husband of the petitioner was initially appointed as Industrial Extension Supervisor in the year 1957 under the Industries Department. Senior counsel submits that in



the year 1964, the husband of the petitioner was appointed as fresh on the post of Inspector, Weights and Measure. In the year 1972, the husband of the petitioner was promoted to the post of Market Secretary B and with the formation of the Bihar State Agriculture Marketing Board (hereinafter referred to as “Board”), the service of the husband of the petitioner has been placed under the disposal of the Board on deputation basis. Senior counsel submits that on 31.01.1992, the husband of the petitioner superannuated on the post of Market Secretary B and that there was discrepancy in the pay scale of Market Secretary A, Market Secretary B and Market Secretary of the Marketing Board. Senior counsel submits that all 3 types of the Market Secretary of the Marketing Board were getting different types of pay scale. And it is due to this reason, the similarly situated employees have moved before this Hon’ble Court in C.W.J.C. No.6261 of 1985 which was disposed off *vide* order dated 05.12.1994 with a direction to the respondent authorities to pay identical pay scale to all the Market Secretaries working in the Board w.e.f 20.12.1985. Thereafter, the matter traveled up to Hon’ble Supreme Court and the S.L.P preferred by the Board as well as by the State was dismissed *vide* order dated 16.12.2003.

4. Learned Senior counsel for the petitioner further



submits that the husband of the petitioner was granted identical pay scale w.e.f 20.12.1985 and all retiral benefits has been paid accordingly. Senior counsel submits that for getting the retiral benefits, the husband of the petitioner approached before this Hon'ble Court in C.W.J.C. No.8653 of 2004 which was disposed off *vide* order dated 02.08.2004. Thereafter, for compliance of order dated 02.08.2004 passed in C.W.J.C. No.8653 of 2004, husband of the petitioner filed M.J.C No.1593 of 2005 which was disposed off *vide* order dated 19.10.2005 with a liberty to the petitioner to approach the authority concerned with respect to remaining grievance with full details, which shall be considered and disposed of by a reasoned order. Senior counsel further submits that similarly situated persons who were appointed with the husband of the petitioner have been granted second time bound promotion *vide* letter contained in Memo No.5567 dated 27.06.1996, but the case of the husband of the petitioner was not considered leading to filing of series of representation before the competent authority. Petitioner also filed representation before the competent authority in pursuance of the order dated 19.10.2005. Senior counsel submits that the petitioner is a widow and does not know the complication and outcome of the order dated 04.06.2007 and under the wrong



advice, the petitioner filed representations before the department and was waiting for the disposal of the same. Thereafter, *vide* order dated 04.06.2007 contained in Memo no. 1754 (annexed as Annexure-5), the claim of the petitioner for second time bound promotion was rejected without application of mind then, the petitioner moved before this Hon'ble Court by filing the present writ petition for grant of relief(s).

5. Learned counsel for the State on the other hand submits that the case of the petitioner is related to inordinate delay as according to him, the first cause of action for the petitioner to sue has arisen on 05.12.1994, but the husband of the petitioner has not opted to sue at that very period of time. Counsel submits that the second cause of action has arisen when the matter has been finally come to rest in the year 2003. Again neither the husband of the petitioner nor the petitioner has moved before this Hon'ble Court. Counsel further submits that the claim of the petitioner has been rejected finally on 04.06.2007 and the petitioner has not moved before this Hon'ble Court even after 2007 i.e. after rejection of her claim. And after a period of 9 years, petitioner has moved before this Hon'ble Court and filed the present writ petition. Counsel submits that there is exorbitant delay in demanding claim by the petitioner.



6. In the light of the submissions made, it transpires to this Court that the husband of the petitioner had opportunity in his lifetime, but he has never raised such claim and after his death, finally the claim of the petitioner has been rejected in 2007 and she sat over the matter for 9 years and thereafter, moved before this Hon'ble Court by filing the present writ petition.

7. Therefore, this Court is not inclined to entertain this writ petition due to inordinate delay on the part of the petitioner's side. Hence, this writ petition stands dismissed.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	17/07/2025
Transmission Date	NA

