

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.85 of 2025

In

Civil Writ Jurisdiction Case No.18586 of 2024

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Ram Bahadur Pandit Son of Late Mishri Pandit Resident of Village-Madha
P.S. Salakhua P.O. Salakhua Bazar District-Saharsa.

... .. Appellant/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Medical Education and Family Welfare, Govt. of Bihar, Patna.
2. The Director in Chief, Health Services, New Secretariat, Patna.
3. The Civil Surgeon cum Chief Medical Officer, Saharsa.
4. The Medical Officer (In-charge) Primary Health Centre, Salakhua, District-Saharsa.
5. The Accountant General (A and E)-II, Beerchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Harsh Anuj, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG-9
		Mr. Anil Kumar Verma, AC to AAG-9
For the A.G.	:	Mrs. Ritika Rani, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 18-02-2026

The Letters Patent Appeal has been filed by Ram Bahadur Pandit, challenging the order dated 09.12.2024 passed by the learned Single Judge in Civil Writ Jurisdiction Case No. 18586 of 2024 in dismissing his writ petition on the ground of delay and laches. The said writ petition was filed by the petitioner seeking the following reliefs:-

“1. That this is an application for issuance of an appropriate writ(s), order(s) or direction(s) to the respondents to re-fix pay of the petitioner in view of the Govt.



guidelines issued vide Memo No. 2424 dated 11.03.2013 vide memo No. 7780 dated 30.07.2013 and vide letter No. 6573 dated 24.07.2015 which has been issued following the provisions of Clause 7(B)(ii) of resolution No. 630 dated 21.01.2010 and further direct the respondents to ensure the entire consequential benefits with the interest @ 10% per annum.”

2. In the writ petition the petitioner has indicated what are the important issues involved in the case which are as follows:-

“2. That the followings are the important issues involved in the present case:

(i) Whether the actions of the respondents to not follow the different guidelines in respect of the case of the petitioner are not said to be arbitrary and discriminatory?

(ii) Whether the actions of the respondents to give more pay to the later joined employee i.e. Junior to the petitioner are said to be justified.

(iii) Whether the actions of the respondents are not violative of Article 14,21 and 300A of the Constitution of India?”

3. The learned Single Judge after hearing the counsel for the petitioner observed as follows:-

“3. Since the petitioner has



already retired from service on 31.01.2021 and has filed this petition in the year 2024 claiming for re-fixation of his scale of pay in the post of Ward Attendant from the year 2007 on the basis of resolution No. 630 dated 21.01.2010 issued by the Secretary Resources, Finance Department, Government of Bihar, I am of the view that there is an inordinate delay in approaching this Court by the petitioner.

4. Accordingly, the writ petition is dismissed on the ground of delay and laches.”

4. The learned counsel for the appellant placed reliance on a decision rendered in the case of ***Union of India & Ors. vs. Tarsem Singh*** reported in ***(2008) 8 SCC 648***, wherein it is held as follows:-

“ 7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing



wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply. As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

5. The learned counsel submits that since the issue relates to the re-fixation of the pay and its payment to the appellant and it does not affect the rights of the third parties, in spite of the delay in approaching the Court, the matter should have been entertained and should not have been dismissed on



the ground of delay and laches. Moreover, in the writ petition, sufficient explanation has been given, as to why the delay has occurred on the part of the appellant in approaching this Court seeking necessary relief.

6. The learned counsel for the State supported the impugned order passed by the learned Single Judge.

7. After hearing the learned counsel for the respective parties and keeping in view the ratio laid down in the case of ***Tarsem Singh*** (supra) and since the matter relates to re-fixation of the pay of the appellant and its payment causing a continuing source of injury and it does not affect the rights of any third parties, we are of the view that the learned Single Judge was not justified in dismissing the writ petition on the ground of delay and laches.

8. There is perversity in the impugned order and the Division Bench, in the Letters Patent Appeal, can correct the errors, if it is found that the orders passed by the learned Single Judge suffers from perversity or is palpable unreasonable. Accordingly, we are inclined to quash the same and the order is hereby set aside.

9. The matter is directed to be placed before the Bench as per the roster. Since the appellant has retired in the meantime, it is expected that the matter should be listed at an



earliest for disposal.

10. The Letters Patent Appeal stands disposed off.

(Sangam Kumar Sahoo, CJ)

(Harish Kumar, J)

supratim/-

AFR/NAFR	NAFR
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