

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8753 of 2024

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Hemchandra Thakur son of Late Mukhteshwar Thakur Resident of Ward no.
3, Kaithinia, P.O.- Kaithinia, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna, Government of Bihar.
3. The Principal Secretary, Finance Department, Government of Bihar, Patna.
4. The Commissioner, Darbhanga Division, Darbhanga.
5. The District Magistrate, Madhubani.
6. The Additional District Magistrate, Establishment, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha, Advocate
For the Respondent/s : Mrs. Shally Kumari, AC to SC-24

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 12-02-2026

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

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

“(i) for directing the respondent
authorities to fix the pay of the petitioner in the pay-
scale Rs.5000-8000 with effect from 01.08.1996.

(ii) For issuance of order, direction or with
of mandamus or any other appropriate writ for
directing the respondent authorities to pay the arrears



of salary to the petitioner from 01.08.1996 to 31.07.2012.

(iii) For any other order, orders, or directions which your lordship may deem fit and proper in the interest of equity, justice, and good conscience.”

3. Learned counsel for the petitioner submits that the petitioner was appointed on 21.09.1976 and superannuated on 31.07.2012 from the post of In-charge Head Clerk. It is further submitted that the pay scales of State Government employees were revised to bring them at par with Central Government employees with effect from 01.01.1996, though the financial benefits were made payable from 01.04.1997. Learned counsel submits that the petitioner was granted the benefit of pay revision with effect from 01.08.1996.

4. Learned counsel further submits that vide Memo No. 868 dated 12.11.1999, the petitioner along with other Head Clerks of the district was granted the pay scale of Rs. 5,000–8,000. It is submitted that the employees concerned had represented before Respondent No. 4, pursuant to which Respondent No. 4 directed Respondent No. 5 to obtain approval of the need-based posts of Head Clerk from the Finance Department. However, despite such direction, the consequential benefits were not extended to the petitioner. The petitioner



thereafter retired in the year 2012.

5. Learned counsel appearing for the State, on the other hand, raises a preliminary objection and submits that the petitioner, who was appointed on 21.09.1976, has already been granted the benefit of enhancement of pay scale under the First ACP with effect from 09.09.1999 upon completion of 24 years of service. It is further submitted that the Second ACP was also granted with effect from 21.09.2000. Learned counsel for the State contends that the petitioner was never substantively promoted to the post of Head Clerk by the competent authority, and therefore, the claim for fixation of pay scale equivalent to that of a regularly promoted Head Clerk with effect from 01.08.1996, along with payment of alleged outstanding dues, is legally unsustainable.

6. Upon consideration of the rival submissions, it transpires that the admitted position is that the petitioner joined service on 21.09.1976 and superannuated on 31.07.2012. The petitioner is stated to have made a representation only in the year 2017, i.e., after about five years of retirement, and the present writ petition has been filed in the year 2024. In crux the cause of action for the petitioner has developed in 1999 but he moved before the Court in 2024 i.e. delay of about 34-35 years.



The writ petition, therefore, suffers from gross delay and laches.

Such inordinate and unexplained delay cannot be entertained in exercise of writ jurisdiction

7. As such, the present writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	25/02/2026
Transmission Date	NA

