

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4394 of 2014

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1. Harihar Prasad Sharma Son Of Late Narayan Sharma Resident Of Village - Rampur Rajwa, P.S. - Hasanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Old Secretariat, Patna
2. The Principal Secretary, Education Department, Government Of Bihar, Patna
3. The Director, Mass Education-Cum-Joint Secretary, Department Of Education, Government Of Bihar, Patna
4. The District Education Officer, Begusarai
5. The District Programme Officer (Establishment), Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr. AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 31-03-2016

Counsel for the petitioner has produced an order passed by the Hon'ble Supreme Court in Civil Appeal No.2433 of 2016 and other analogous cases. The order is dated 2nd of March, 2016.

Counsel for the petitioner emphasizes on paragraph 10 of the said decision which reads as under:

“10. In the light of the above said order, the only other question which has to be examined is as to whether the respondent herein as well as other similarly placed employees would be entitled for back wages and other attending monetary benefits for the past period. Insofar as the present respondent herein in Civil Appeals arising out of SLP(C) Nos.12031 and 12032 of 2007 are concerned, since these have already

been paid 100 per cent back wages, we are of the view that since both of them have also been superannuated and in receipt of pension, and as they were not responsible for the payment of the back wages it may not be appropriate to permit the appellants to recover whatever payment already made towards the back wages. Similarly, in the case of the respondent in Civil Appeal arising out of SLP(C) No.18094 of 2014, he was paid 40 per cent of back wages, the payment of which was not at his request or demand, no recovery can be ordered at this point of time.”

In view of the above, Annexure-1, dated 13.1.2014 stands quashed.

Writ is allowed.

(Ajay Kumar Tripathi, J)

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