

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13462 of 2013

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1. Tarakant Pathak Son Of Late Tejnarayan Pathak Resident Of Village Chacharaha, P.S. Basopatti, District Madhubani
 2. Amar Kant Mishra Son Of Late Babban Mishra Resident Of Village Mujauna, P.S. Samastipur Muffasil, District Samastipur
 3. Prabhakar Mishra Son Of Haribans Mishra Resident Of Village Gitadewadha, P.S .Rosera, District Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Public Health And Engineering Department, Vishweshariya Bhawan, Patna
2. The Chief Engineer (Mechanical) Public Health And Engineering Department, Vishwashariya Bhawan, Patna
3. The Superintending Engineer, P.H. Circle, Darbhanga
4. The Executive Engineer, P.H. Division, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha
For the : Mr. Anisul Haque, Ac to AAG 9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 03-05-2016 Heard the parties.

In the present writ petition, the petitioners at the initial stage have made a prayer for regularisation of service but during pendency of this writ petition they have been regularised.

Only limited grievance has been raised by filing I.A. No. 2343 of 2016 whereby petitioners have claimed for difference of arrears of salary.

A supplementary counter has been filed by the State. It will be relevant to quote paragraph nos. 8, 9 and 10 of the said affidavit:

“8. That it is stated that the petitioner has been brought to regular establishment in accordance with the policy decision vide Resolution dt. 17.10.2013 issued by Finance Department, Government of Bihar and there is no provision for payment of arrears as claimed by the petitioner. A copy of the aforesaid resolution is annexed as Annexure 11 to the I.A. petition.

9. That it is stated that the claim of petitioner in all other respects such as current salary and MACP etc. shall be guided only in accordance with the resolution no.10710 dt.17.10.2013 issued by the Finance Department, Government of Bihar and they have been extended the benefits as the resolution by regularisation and appointment in regular establishment.

10. That it is stated that in C.W.J.C. No.7211 of 2012, there was an order for payment of arrears of salary in different context and the same was ordered to be paid vide letter dated 16.11.2013 and the petitioner has received the same.”

The aforesaid statement shows that petitioners have been paid the arrears of salary in terms of the order passed in C.W.J.C. No.7211 of 2012.

The petitioners have claimed their salary from the date of appointment. They cannot claim their salary in regular establishment before their absorption in the regular establishment.

In such view of the matter, the present writ petition does not survive. It is accordingly dismissed.

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(Shivaji Pandey, J)