

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.184 of 2017

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1. Amritesh Kumar Son of Shri Jawahar Lal Jha Resident of Village-Matihani, P.S.-
Matihani, District-Begusarai
2. Uma Shankar Prasad Son of Shri Indrasan Prasad resident of Purani Bazar,
Maharjganj, P.S.-Maharajganj, District-Siwan

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. Principal Secretary, Finance Department, Bihar, Patna
3. Principal Secretary, Prohibition, Excise & Registration Department, Bihar, Patna
.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinav Srivastava, Adv.

For the Respondent/s : Mr. Anil Kr. Singh- GP26

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-09-2017

Heard learned counsel for the parties.

A prayer for issuance of writ in the nature of mandamus has been made by the petitioners for removal of anomalies occurring in their respective pay structure without approaching the authority concerned and without drawing their attention towards the grievance.

This matter was last heard on 7.7.2017 when this Court granted time to learned counsel for the petitioners to verify whether the petitioners have discharged their bit of obligation to raise their grievance before the authority concerned.

The matter has thereafter been taken up today when learned counsel relies on a representation filed on behalf of the officers Association at Annexure-6, to support the claim raised herein.



In my opinion a relief regarding anomalies in pay structure is a relief in personam, to be raised by the employee before the authority concerned and the petitioners cannot rely upon a representation filed in a representative capacity to espouse their cause before this Court. The petitioners having failed to do their part of duty they cannot be permitted to maintain a writ petition. In my opinion the representative of the Association, even if espouses the cause of its members but yet does not discharge them of their obligation to raise their grievance before the competent authority with supportive details before he chooses to move the High Court for issuance of a writ of mandamus on the failure of the authority concerned to dispose of the same. The principle binding a party seeking issuance of a writ of mandamus are well settled and does not require a reference to any judicial pronouncement to hold that there is no short cut to seeking such remedy and the petitioners should first raise their grievance before the competent authority concerned before praying for such relief.

The writ petition is dismissed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
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