

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20652 of 2010

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1. Mani Kant Yadav S/O Sundar Mandal R/O Mohalla- Masufganj, Ward No.- 5, Saharasa, P.S. + Distt.- Saharsa
 2. Md. Sajjad Khan S/O Md. Hamid Khan R/O Vill.- Telwa Kharaka, P.O. + P.S.- Nauhatta, Distt.- Saharsa
 3. Ramesh Kumar Patel S/O Baldeo Mahto R/O Vill.+ P.O.- Baijnathpur, P.S.- Saur Bazar, Distt.- Saharsa
 4. Maheshwar Paswan S/O Late Dahu Paswan R/O Mohalla- Gangjala, Ward No.-16, Bhawaninagar, Paswan Tola, P.S. + Distt.- Saharsa

.... Petitioners

Versus

1. The State of Bihar Through The District Magistrate Cum District Collector, Saharsa P.O.+P.S. and Distt.- Saharsa
2. The District Magistrate-cum- District Collector, Saharsa
3. The Block Development Officer-cum-Circle Officer, Banama Itahari P.O.- Banama, O.P.- Banama Itahari, P.S.- Salkhua, Distt.- Saharsa

.... Respondents

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Appearance :

For the Petitioners : Mr. Pramod Mishra, Advocate
For the Respondents : Mr. Kumar Alok, SC 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 28-08-2017

The present petition has been filed for a direction to the respondents to pay the petitioners their arrears of salary for the period between 22.02.1999 to 05.09.2005 between which the petitioners discharged their duties as drivers after being appointed on the post in question in Collectorate, Saharsa vide Memo No. 126-2 dated 20.02.1999; and to count their service with effect from 22.02.1999 i.e. the date of their initial joining.

2. Learned counsel for the petitioners submits that the case



of the petitioners stands on identical footing with Shambhu Nath Jha, who had been reinstated in service by order dated 02.09.2005 reviving the original appointment letter of 1999. The said Shambhu Nath Jha approached this Court in CWJC No. 7024 of 2010 which was disposed of by order dated 20.09.2011 (Annexure-6) wherein it was held that he was “entitled to continuity of service for all purposes except salary and seniority from the date of his original appointment in the year 1999.” The petitioners herein were also terminated and then reinstated by the same orders as in the case of Shambhu Nath Jha.

3. Learned counsel for the respondents appears and has been heard. The facts stated by the petitioners are not disputed.

4. In the above view of the matter, the present writ petition is disposed of in line with and on the same terms of CWJC No. 7024 of 2010 (Shambhu Nath Jha vs. The State of Bihar and others).

(Vikash Jain, J)

Chandran/BT

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