

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18 of 2017

- =====
1. Qutubuddin Ahmed Ansari, Son of Sri Ishaque Ahmad, Resident of village - Taj Medical, At Srinagar, Siwan, P.O., P.S. & District - Siwan
 2. Junaid Ahmad, Son of Late Hafiz Abdul Majeed, Resident of village - Purana Kela Siwan, P.O., P.S. and District - Siwan
 3. Khudeja Khatoon, Daughter of Suleman Mian, Resident of village - Siswan Dhala Bernipur, P.O., P.S. and District - Siwan
 4. Neyaz Ahmad, Son of Late Sri Amit Hassan, resident of Barasra, P.O. + P.S. Barharia, District - Siwan
 5. Mushafir Choudhary, Son of Khedan Choudhary, Resident of village - Siswan Dhala Barnipur, P.O., P.S. and District - Siwan
 6. Dr. Mamiullah, Son of Md. Molujin, Resident of village - Dhansi, P.O. Dhansi, P.S. Sidhwalia, District - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Development Department, Bihar, Patna
2. The Secretary, Human Resources Development Department, Bihar, Patna
3. The Director, Higher Education, Bihar, Patna
4. Jai Prakash University, Chapra through its Registrar
5. The Vice Chancellor, Jai Prakash University, Chapra
6. The Registrar, Jai Prakash University, Chapra
7. The Secretary, Z - A Islamia College, Siwan

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate
For the Respondent/s : Mr. Madanjeet Singh, GP- 20
For the University : Mrs. Soni Shrivastava, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 08-11-2017

Heard learned counsel for the petitioners, State and the counsel appearing for the J.P. University.

The petitioners have filed the instant writ application for payment of their salary with retirement benefit along with other consequential benefits computing the period between 01.10.1985 to 2006.



The petitioners have earlier approached this Court in C.W.J.C. No. 3202 of 2010, which was disposed of with a direction to the Principal Secretary to take fresh decision, as earlier the Principal Secretary has rejected such claim vide order dated 26.08.2009.

The claim of the petitioners once again was rejected by the Principal Secretary vide order dated 18.12.2012, and after four years the petitioners have again filed the instant writ petition for the same relief.

Counsel for the respondents submits that the petitioners are not entitled to any relief, as their prayer for payment of salary with retirement benefit along with other consequential benefits between 01.10.1985 to 2006 is hopelessly barred by delay and laches.

Counsel for the petitioners submits that the petitioners have approached the competent authority and even approached this Court earlier and, as such, he submits that the petitioners cannot be non-suited on the ground of delay and laches.

From perusal of the orders passed by the respondents, it appears that no one was paid arrears and, as such, the petitioners cannot claim discrimination in the matter of payment of arrears of salary for the period in question.

In case, the similarly circumstanced, any other non-teaching employees have been paid arrears for the period in question,



the petitioners would be at liberty to raise the issue of discrimination before the respondents by filing representation within one month from today citing the example of similarly circumstanced non-teaching employees, who have paid arrears for the period in question and, in case, the respondents find substance in the claim of the petitioners that similarly circumstanced others have been paid arrears then the respondents would consider the claim of the petitioners and pass reasoned and speaking order on the representation, if filed by the petitioner, within a period of three months from the date of filing of the representation.

With the aforesaid observations and directions, this application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2017
Transmission Date	N.A.

