

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5811 of 2017

1. Braj Kishore Singh son of Madan Gopal Singh resident of village and P.O. Ami P.S. Dighwara, District Saran.
2. Shambhu Patel son of Singhasan Ram Resident of Mohalla - Eastern Dahiywan, P.S. Chapra Town, District Saran.
3. Manoranjan Prasad Singh son of Late Hazari Singh resident of Village - Mobarakpur, P.S. Ekma, District - Saran.
4. Ajay Kumar Srivastava son of Late Chandrika Prasad resident of Village - Rampurdih, P.S. Hyaghat, District - Darbhanga.
5. Satya Narayan Thakur son of Late Mahadeo Thakur resident of Banwar Chak, P.S. Nayagaon, District Saran.
6. Brishket Narayan Singh son of Late Mohan Singh resident of village and P.O. Katheya Saran P.S. Jalalpur, District Saran.
7. Din Dayal Ram son of Late Puranmasi Manjhi resident of village - Dahiwani Dargah Chapra, P.S. Chapra Muffasil, District - Saran.
8. Indra Mani Singh son of Late Sheo Nath Singh resident of Village - Rasalpur, P.S. Chapra Sadar, District - Saran.
9. Arun Kumar Singh son of Late Chandradeo Singh resident of Village - Bahadurpur, P.O. Khofaibagh, P.S. Chapra Muffasil, District - Saran.
10. Manzoor Ahmed Khan son of Late Mohammad Yakub Khan resident of Mohalla - Newaji Tola, P.S. - Chapra Muffasil, District - Saran.
11. Sawita Kunwar wife of Late Dharamnath Singh resident of Mohalla - Dahiyawan Tola Chapra, P.S. Chapra Muffasil, District - Saran.
12. Tej Narayan Singh son of Late Sia Saran Singh resident of village - Mukrera Saran, P.S. Chapra Sadar, District - Saran.
13. Kausila Devi wife of Late Rajendra Rawat resident of village - Sharampur, P.O. Kala Rampur, District - Saran.
14. Dilip Kumar Singh son of Late Raj Narayan Singh resident of village - Sahpur, P.S. Sonapur, District Saran.
15. Punkalla Devi wife of Late Subhag Prasad resident of Mohalla - Dahiyawan Tola Chapra, P.S. Chapra Muffasil, District - Saran.
16. Surendra Singh son of Late Shiv Saran Singh resident of Village - Nawadh, P.O. Chainpur, P.S. Ekma, District - Saran.
17. Braj Kishore Singh son of Late Jahauri Singh resident of Mohalla - Daulatganj, Bihar Kutir, P.S. Chapra Muffasil, District Saran.
18. Dharam Nath Sah son of Late Shigharan Sah resident of Village & P.O. Udant Rai Ke Bangra, District Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Secretary, Human Resource Development Department (Higher Education), Govt. of Bihar, Patna.



3. The Director, Higher Education, Human Resource Development Department, Govt. of Bihar, Patna.
4. The Jai Prakash University, Rahul Sanaskrityan Nagar, Chapra, P.S. Chapra Muffasil, District - Saran through its Registrar.
5. The Vice Chancellor, Jai Prakash University, Rahul Sanaskrityan Nagar, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Janardan Pd. Singh, Sr. Advocate
For the State	:	Ms. Neetu Jha, AC to -GA12
For J.P. University	:	Mr. Nagendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-02-2018 Heard Mr. Janardan Prasad Singh, learned senior counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State and the University.

This case has chequered history. The issue with regard to regularization was considered by the State Government pursuant to the decision of the Full Bench reported in 1997 (1) PLJR 509. The State Government took decision to regularize the services of the petitioners. After regularization an issue was raised with regard to arrears prior to the date of regularization. The matter was considered by the Division Bench in CWJC No. 3851 of 1999. The Division Bench on consideration of the peculiar facts and circumstances of the case directed for payment of arrears as a special case. The matter was taken to the Supreme Court in SLP No. 22979 of 2004 and by order dated 10.3.2004 the Civil Appeal No. 7838 of 2004 arising out of SLP No. 22979 of 2004



filed by the State of Bihar was dismissed. After the decision of the Apex Court in Civil Appeal No. 7838 of 2004, the petitioners were paid the arrears on 20.11.2010.

It appears that petitioners have filed MJC No. 2163 of 2004 in which they have made submission that there is implied direction of the Court for payment of interest to the petitioner. However, the Division Bench on hearing MJC No. 2163 of 2004 has not accepted that submission. However, the Court observed that it goes without saying that if the petitioners are entitled in law to any further relief, they can pursue the same in an appropriate proceeding in accordance with law. The petitioners thereafter filed CWJC No. 8692 of 2011 which was disposed of vide order dated 4.2.2016 in view of the fact that the petitioners have not approached the respondent-authorities for redressal of their grievance liberty was granted to file representation. Thereafter the petitioners have filed representation before the Principal Secretary of the Department on 9.3.2016 which did not yield any favourable order and as such the petitioners have approached this Court by way of filing this writ petition.

The claim of the petitioners in the present writ petition is for payment of interest on the arrears paid to the petitioners in 2010.



Mr. Janardan Prasad Singh, learned senior counsel for the petitioner contended that the petitioners are entitled to payment of interest on account of the fact that the value of the money decreased and as a measure of compensation for reduced value of money the petitioners should have been paid the interest.

The fact remains that the writ petition whereby direction was issued for payment of arrears was subject-matter of pending Civil Appeal which was finally decided by the Apex Court on 10.3.2010 and the entire payment as per writ court's order was made to the petitioners after the final adjudication by the Apex Court and the contempt proceeding was dropped on 24.11.2010 noting the fact that payment was made on 20th November, 2010.

Considering the fact that final adjudication in the matter of claim of the petitioners for payment of arrears was decided by the Apex Court on 10.3.2010 and the payment was received by the petitioners on 20th November, 2010, the Court does not find any inordinate delay in making payment and as such the Court is of the view that in the absence of inordinate delay no interest is payable to the petitioners particularly on account of the fact that payment was made immediately after the decision of the Apex Court.

In view of the above, the Court does not find any merit in



the claim of the petitioners. The writ petition is, accordingly,
dismissed.

(Anil Kumar Upadhyay, J)

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