

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12339 of 2014

=====

Gaya Prasad Yadav Son of Late Pansi Singh Yadav Resident of Village- Tenibigha,
P.S and District Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
3. The Deputy Secretary Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The Managing Director, Bihar State Housing Board, Patna.
5. The Managing Director, Jharkhand State Housing Board, Ranchi (Jharkhand)

.... Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Sinha, Advocate
For the State	:	Mr. Subhash Pd. Singh, Advocate
For the B S H B	:	Mr. Anshuman Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the petitioner and the respondent State.

2. Writ petition has been filed claiming the arrears of salary for the period of 01.11.2005 to 23.04.2006.

3. It is the petitioner's case that during the said five months period while the issue regarding his cadre allocation was disputed by him, since he had not joined, he is entitled for payment of the said period.

4. Counsel for the respondent Housing Board draws



attention of the Court towards the order dated 25.04.2014 passed in C.W.J.C. No. 10815 of 2012. He submits that the same claim was raised by the petitioner in the said writ proceedings along with his claim for benefits under the head gratuity and other post retiral dues. In so far as his claim for other dues are concerned, the petitioner was granted liberty to raise the issue before the authorities. So far as his claim for arrears of salary is concerned, no order was passed in respect of the said claim wherein it was observed as follows :

“So far as arrears of salary are concerned, the petitioner may take legal recourse before an appropriate forum.”

5. Thereafter, under order dated 12.06.2014 claim for arrears of salary for the period between 01.11.2005 to 23.04.2006 has been denied on the principles of no work no pay. The order denying his payment dated 12.06.2014 issued by the Jharkhand State Housing Board has not been challenged by the petitioner.

6. It is settled law that if the order under which the action is taken is not challenged which in this case is the order dated 12.06.2014 issued by the Jharkhand State Housing Board, no relief can be granted contrary to the order under which action is taken, as in this case, claim has been denied.

7. For the reasons indicated above writ petition is devoid



of merit and the same is dismissed.

Prakash/-

(Madhuresh Prasad, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

