

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18720 of 2014

=====

Pramod Kumar Shrivastwa Son of Late Siya Ram Prasad At present posted
as Laboratory Assistant, Mechanical Engineer, N.I.T., Patna.

.... Petitioner

Versus

1. The Union of India, through the Secretary, Ministry of Human Resource Development, Department of Secondary and Higher Education, Shastri Bhawan, New Delhi.
2. The National Institute of Technology, Patna through its Director, N.I.T., Patna.
3. The Director, National Institute of Technology Patna.
4. The Registrar, National Institute of Technology Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Siya Ram Shahi, Advocate
Shally Kumari, Advocate

For the NIT : Mr. Y.V.Giri, Senior Advocate
Mr. S.K.Giri, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 18-08-2018 Heard learned counsel for the petitioner and

learned counsel for the National Institute of Technology (NIT).

Learned counsel for the petitioner submits that the respondents have found him to be in the regular employment of the institution since 4.12.2008 which is evident from the notification dated 30.7.2014, issued by respondent no.6. He further submits that if the respondent NIT considers petitioner's claim for accounting his past service in light of Government of India decision, contained in Office Memorandum No. GI MF OM No. F.12(1)-E-V/68 dated 14.5.1968 (Annexure 8) then he would be entitled to the benefits of half the period of entire



service rendered as an *ad hoc* employee during which period he has been paid consolidated remuneration. He submits that his case is covered under Government of India decision as mentioned herein above. He submits that this issue has also raised in C.W.J.C.No. 24092/2013. Petitioner's case was finally disposed of by order dated 12.3.2014. The writ petitioner was required to file representation raising the said claim which due to inadvertence could not be raised in the specific terms in the representation dated 31.3.2014. He submits that he would be submitting his claim in light of aforesaid Government of India decision.

Without expressing any opinion on the merits of the claim made by the petitioner and in view of the Government of India decision, contained in Office Memorandum No. GI MF OM No. F.12(1)-E-V/68 dated 14.5.1968 (Annexure 8), the writ petition is disposed of with liberty to the petitioner to stake his claim as noticed herein above by filing a representation within a period of four weeks from today. In the event, such application is filed, it is expected that the respondent NIT will take a final decision on the claim of the petitioner within a period of three months thereafter.

Order dated 27.6.2014 issued by the Director, NIT,



Patna would not come in way of the NIT in taking a decision on the petitioner’s claim.

(Madhuresh Prasad, J)

Shashi.

U			
---	--	--	--

