

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5005 of 2019

Dr. Bijay Mohan Prasad Singh Late Nandan Prasad Singh, resident of Village- Chandpura, Naokothi, P.S. Begusarai, District- Begusarai, retired as Associate Professor in the Subject of Psychology in G.D. College, Begusarai, a constituent unit of L.N. Mithila University, Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Vice-Chancellor, Lalit Narayan Mithila University, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Darbhanga.
5. The Finance Officer, Lalit Narayan Mithila University, Darbhanga.
6. The Principal, G.D. College, Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Mr. Subhash Chandra Mishra (SC-16)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-03-2019 The present writ petition has been filed for directing the respondents to make payment of the difference of arrears of salary in the light of fixation made by the pay Verification Cell taking into account Memo No. 7620 dated 20.07.2011 by which the State Government as well as the University has decided to make payment of the differential salary pertaining to the period prior to 01.01.1986 as also in light of the order passed in CWJC No. 17983 of 2016 dated 07.08.2018 by which the Hon'ble High Court has decided that differential salary, on the revised pay point is payable for the period 01.01.2006 to 31st March,



2010.

The brief facts of the case are that the petitioner was appointed as Lecturer in the subject Psychology on 04.07.1978 at R.C.S. College, Manjhaul where he joined his service on 10.07.1978 and subsequently his services were confirmed by a notification of the University dated 03.08.1983. The petitioner is said to have been granted promotion on the post of Reader vide notification dated 15.10.1990 with effect from 10.07.1988 which was subsequently changed to 28.02.1992. It is the case of the petitioner that the differential salary for the period prior to 01.01.1986 and up to 1990 has not been paid by the respondents. Further the petitioner is entitled to get difference of salary for the period 01.01.1986 to 31.12.2005 and thereafter from 01.01.2006 to 31.03.2010.

The learned counsel for the petitioner submits that the petitioner has filed several representations, however, no heed has been paid to the same by the respondent authorities.

I have heard the learned counsel for the parties and gone through the materials on record and I find that the petitioner has already stood retired from his services, as is apparent from the details of the petitioner depicted in the array of parties on the first page of the writ petition. Thus, this Court



is of the view that the petitioner has approached this Court after a great delay and no explanation whatsoever has been furnished for such delay. Moreover, the petitioner does not seem to have filed any representation before the respondent authorities inasmuch as not even a single representation pertaining to his grievances have been brought on record of the present writ petition barring one advocate's notice dated 24.11.2018, hence apparently the present writ petition is barred by the principles of delay and laches especially in view of the fact that the petitioner herein has stood superannuated from his services, hence his rights and liabilities had got crystallized on the date of superannuation and, therefore, the cause of action thereafter no longer remains a continuing one, thus I do not deem it fit and appropriate to entertain claim of a period prior to 01.01.1986 and up to 1990 as also for the period prior to 31.03.2010, in the year 2019, consequently the writ petition is dismissed, however, in the interest of justice, this Court feels it appropriate to grant liberty to the petitioner to agitate his grievances before the Registrar, L.N. Mithila University, Darbhanga, considering the fact that according to the petitioner herein the arrears amount has already crystallized. Accordingly, it is directed that in case the petitioner approaches the Registrar, L.N. Mithila University,



within a period of four weeks from today, appropriate decision
would be taken expeditiously upon the claims raised by the
petitioner.

(Mohit Kumar Shah, J)

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