

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18881 of 2017

- 1.1. Dr. Ajay Kumar S/o late Baleshwar Prasad Yadav R/o H. No. 9 , Shaktipath, Dr. B. Bhattacharya Road, West Patel Nagar, P.S.- Shastri Nagar, Distt.- Patna.
- 1.2. Dr. Abhay Kumar S/o late Baleshwar Prasad Yadav R/o H. No. 9 , Shaktipath, Dr. B. Bhattacharya Road, West Patel Nagar, P.S.- Shastri Nagar, Distt.- Patna.
- 1.3. Dr. Kanchan D/o of late Baleshwar Prasad Yadav R/o H. No. 9 , Shaktipath, Dr. B. Bhattacharya Road, West Patel Nagar, P.S.- Shastri Nagar, Distt.- Patna.
- 1.4. Most. Shanti Devi, W/o late Baleshwar Prasad R/o H. No. 9 , Shaktipath, Dr. B. Bhattacharya Road, West Patel Nagar, P.S.- Shastri Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Productions Commissioner, Govt. of Bihar, Patna New Secretariat, Bailey Road, Patna
2. The Principal Secretary, Agriculture Dept. Govt. of Bihar, Patna, New Secretariat, Baily road, Patn
3. The Secretary, Agriculture, Director State Horticulture Mission, Patna.
4. The Director, State Horticulture Mission, Patna.
5. Dr. Ajay Kumar, Deputy Director , Accounts, Horticulture Dept. Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Respondent/s : Mr.Awanish Nandan Singh- Gp-21

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 09-04-2019 The present writ petition has been filed for directing the respondents to pay a sum of Rs. 6,77,227/- by way of honorarium in lieu of the father of the petitioners having worked as Technical Adviser under the State Horticulture Mission, who died during the pendency of the present writ petition.
2. The learned counsel for the petitioners has referred to the



internal notings in the file annexed as Annexure-4 to the present writ petition and has submitted that the father of the petitioners are entitled to honorarium at the rate as mentioned therein for the period commencing from the year 2013 onwards.

3. Per contra, the learned counsel for the respondents, referring to the counter affidavit filed by the Deputy Director, Udyan (Nursery Development) Horticulture, Directorate, Bihar, Patna has submitted that the father of the petitioners were appointed on the condition that they shall be paid honorarium amount of Rs. 18,122/- which was equivalent to their pension and thereafter, vide letter dated 31.03.2008, their contractual period was extended for further three months with effect from 01.04.2008 and then, their contractual period was extended even further from time to time.

4. It is the case of the respondents that the Board of Management of Bihar Horticulture Development had resolved in its meeting held on 19.07.2013 to allow honorarium amount to the father of the petitioners equivalent to pension amount fixed as per the UGC pay-scale, however, no decision was taken to grant honorarium on the enhanced rate to the father of the petitioners with retrospective effect, hence, the father of the petitioners were paid honorarium at the rate of Rs. 27,350/- per



month with effect from March, 2013 to 15.04.2017. It is further submitted that the said decision of the Board of Management dated 19.07.2013 has not been challenged, hence, the petitioners, at this belated stage in the year 2019, are not entitled to any relief.

Having regard to the fact that the petitioners have not challenged the decision of the Board of Management dated 19.07.2013, no relief can be granted at this belated stage, hence, the present writ petition is dismissed.

(Mohit Kumar Shah, J)

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