

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15501 of 2019

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Wasi Ahmad S/o Late Sattar Ansari Resident of Pipra Chanki, P.s.- Sikarpur,
Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna
2. The Chief Engineer Water Resources Department, Balmiki Nagar, Motihari, Distt.- East Champaran
3. The Executive Engineer Don Canal Division, Ram Nagar, Bettiah, Distt.- West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rupak Kumar, Advocate
		Mr. Jitendra Kumar, Advocate
For the Respondent/s	:	Mr. Akhileshwar Singh, AC to GA 2

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 06-08-2019

Heard the learned counsel for the parties.

2. The petitioner, who at the relevant time was working as an Amin but only on daily wages, has sought his remuneration for the period 15.01.1988 to 11.09.2009 which has not been paid to him unauthorizedly.

3. It has been submitted on behalf of the petitioner that he worked as Amin on daily wages for the aforesaid period but his services were terminated. The petitioner, then challenged the aforesaid order of termination before the labour court and the labour court



vide judgment dated 01.11.2003 set aside the order of termination by declaring such termination to be unjustified. The petitioner was held to be entitled to reinstatement in service with full back wages. Against the aforesaid award of the labour court, the respondents preferred a writ petition vide C.W.J.C. No. 12542 of 2005 which was dismissed for non-prosecution vide order dated 19.03.2012.

4. Mr. Rupak Kumar, learned counsel for the petitioner submits that till date, no attempt has been made to have the case restored which presupposes that the respondents are not willing to contest the award passed in favour of the petitioner.

5. In that view of the matter, there is no reason why the petitioner be not paid the back wages from 15.01.1988 to 11.09.2009.

6. Representations of the petitioner before various authorities including the Chief Engineer, Water



Resources Department, Balmiki Nagar, Motihari, East Champaran has gone unheeded.

7. The petitioner under the aforesaid circumstances is directed to make a fresh representation, enclosing a copy of this order before the Chief Engineer, Water Resources Department, Balmiki Nagar, Motihari, East Champaran (respondent no. 2) with his claim of the salary/remuneration for the period 15.01.1988 to 11.09.2009 within a period of two weeks, who, on receipt of such application shall have the facts verified, ascertain the entitlement of the petitioner and if such entitlement is found to be correct, pass orders making payment of the aforesaid wages. The concerned respondent shall pass a positive order and necessary sequel order within a further period of six weeks of the receipt of such representation.

8. Needless to state that the petitioner shall also have the option of initiating a prosecution against the concerned respondent for violating the award which has yet not been challenged or modified.



9. With the aforesaid direction/observation, the writ petition stands allowed/disposed of accordingly.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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