

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.195 of 2018

1. Tarakant Pathak, Son of Late Tejnarayan Pathak, Resident of Village Chacharaha, P.S. Basopatti, District Madhubani.
2. Amar Kant Mishra, Son of late Babban Mishra, Resident of Village Mujauna, P.S. Samastipur Muffasil, District Samastipur.
3. Ram Sobhit Rai, Son of Jagdeo Rai, Resident of Village – Bhadiyal, P.S. Nanpur, District Sitamarhi.
4. Ganesh Mahto, Son of Babu lal Mahto, Resident of Village Mahmad Dumarakor, P.S. Sitamarhi, District Sitamarhi.
5. Jaikant Yadav, Son of Sri Mani Lal Yadav, Resident of Village Banka Bishanpur, P.S. Bishanpur, District Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Public Health and Engineering Department, New Secretariat, Patna.
2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
3. The Chief Engineer (Mechanical), Public Health and Engineering Department, Govt. of Bihar, Patna.
4. The Superintending Engineer (Mechanical), Public Health Engineering Circle, Muzaffarpur.
5. The Executive Engineer (Mechanical), Public Health Engineering Division, Darbhanga.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha, Advocate
For the Respondent/s : Mr. S.Raza Ahmad, AAG-5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 28-07-2022 Learned counsel for the petitioners submits that the fact regarding arrears of salary having been paid, was wrongly recorded in the order dated 03.05.2016 passed in C.W.J.C. No. 13462 of 2013. He submits that prior to regularization of the petitioners' services with effect from 20.06.2014, arrears are still



unpaid.

Learned State Counsel submits that after the order having been passed in C.W.J.C. No.13462 of 2013, the petitioners had availed the remedy of review by filing Civil Review No.318 of 2016. The review petition was permitted to be withdrawn with liberty to the petitioners to take recourse in accordance with law, which can only mean that the review was not entertained by this Court and the petitioners, if at all, would have the remedy of approaching the Division Bench against the order passed in C.W.J.C. No.13462 of 2013.

The Court would find that the issue regarding payment of arrears stands concluded in the order dated 03.05.2016 passed in C.W.J.C. No.13462 of 2013. The review was also dismissed as withdrawn, but with liberty to take recourse, in accordance with law. The petitioners therefore, in accordance with law, had the remedy of approaching the Division Bench by filing L.P.A., which has not been done.

In the above noted circumstances, this Court is not inclined to pass any order which in any way is contrary to the order passed in C.W.J.C. No.13462 of 2013, earlier filed by the petitioners.

This Court would observe that the order dated



03.05.2016 passed in C.W.J.C. No.13462 of 2013 earlier filed by the petitioners, is final and binding between the parties.

This Court would thus reiterate that the petitioners would still be at liberty to take their legal recourse, in accordance with law.

Writ application is dismissed.

(Madhuresh Prasad, J)

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