

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.587 of 2019

In
Civil Writ Jurisdiction Case No.16283 of 2015

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Sudhir Prasad, Son of Awadhesh Singh Resident of village - Alawa, P.S.
Ekangar Sarai, District Nalanda.

... .. Appellant/s

Versus

1. The Tilka Manjhi Bhagalpur University Bhagalpur through its Vice-Chancellor.
2. The Vice Chancellor Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Registrar Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Finance Officer Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Incharge Regional Students centre Tilka Manjhi University, Bhagalpur.
6. The State of Bihar Through the Secretary, Higher Education, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Mukesh Kumar

For the Respondent/s : Mr.Ashutosh Ranjan Pandey (Aag15)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 07-07-2022

Heard the learned counsel for the parties.

Pursuant to the termination of service of the appellant,
the matter was referred to the Labour Court, which passed an
Award setting aside the order of termination and directing for
reinstatement of the appellant in service with full back-wages.



The appellant appears to have been reinstated and has superannuated also after putting in requisite number of years till the date of his superannuation. For the period that he worked after reinstatement, he has been paid his salary.

However, when no back-wages for the period that he remained terminated was paid to him in accordance with the award of the Labour Court, the appellant approached this Court *vide* C.W.J.C No 16283 of 2015 which was rejected on the ground of laches.

We fail to appreciate as to how non-payment of back-wages which was directed by a Court of Law a long time ago would dis-entitle the appellant on the ground of laches on his part in not coming to the Court earlier.

Non-payment of rightful dues of an employee is a continuous infraction of his rights and the cause of action continues on quotidian basis.

We do not find the order passed by the learned Single Judge to be sustainable in the eyes of law and hence we set it aside.



The respondents are directed to make payment of back-wages to the appellant after calculating the same in an appropriate manner within the period of 90 days, failing which it would be open for the appellant to approach the appropriate forum for their remedies.

Since the appellant did not agitate for payment of back-wages all this while, we are not inclined to direct for any payment of interest on the aforesaid amount.

The appeal stands allowed, accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/-

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