

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21877 of 2011

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1. Ahmad Ali And Anr S/O Late Saudagar Ali R/O Village Baraniya Visa, P.S. Kuchaikot, District Gopalganj, At Present Clerk In The Office Of Assistant Registrar, Co-Operative Societies, Siwan Town, District Siwan.
 2. Nazir Hussain S/O Mohamuddin Hussain Resident Of Village Jadopur, P.S. Jadopur, District Gopalganj.
 3. Harishankar Prasad Gupta At Present Clerk In Office Of Assistant Registrar, Cooperative Societies,

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Registrar, Cooperative Societies, Government Of Bihar, Patna.
3. The Additional Registrar, Cooperative Societies, Government Of Bihar, Patna.
4. The Joint Registrar, Cooperative Societies, Saran Division, Chapra.
5. The Assistant Registrar, Cooperative Societies, Siwan Circle, Siwan.
6. The Managing Director Cum Member Secretary, District Samwarg Cooperative Societies, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Adv. Mrs. Rajanigandha Akhouri, Adv.
For the Respondent/s	:	Mr. Anjani Kumar, AAG10

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 10-02-2025 Heard Learned Counsel for the petitioners and

Learned Counsel for the State.

2. Learned Counsel for the petitioners submits that the

present writ petition has been filed with the following reliefs:-

(1) “For issuance of an appropriate writ/writs, direction/directions in the nature of mandamus directing/commanding the concerned respondents to make payments of arrears of salary to the petitioners from the date of joining of the petitioners as the petitioner Nos.1 and 2 gave their joining on 15.12.2003 and petitioner No.3 gave his joining on 21.11.2003 on the post of clerk in the



office of respondent No.2 in pursuance of appointment letter contained in Memo No.5418/Patna dated 23.10.2003, but, their joining were only accepted on 22.05.2004, 02.09.2004 and 09.01.2004 respectively and only thereafter, their salary etc have been paid to them with effect from 22.05.2004, 02.09.2004 and 09.01.2004 however, the petitioners are entitled for their regular salary with effect from date of their joining in view of similarly situated employees who have been paid their salary from date of their joining.”

3. Counsel for the petitioners submits that the policy matter according to which respondent authority has not make payment, has been annexed as Annexure-A of the counter-affidavit, which is a letter contained in Memo No.3366 dated 24.06.2004. He further submits that the joining of the petitioners have been made earlier to the said letter. He further submits that petitioner No.1 & 2 have joined on 15.12.2003 whereas petitioner No.3 has joined on 21.11.2003 on the post of clerk in the Office of respondent No.2. He further submits that the petitioners have submitted their joining, but their joining have been accepted later on *i.e.*, 22.05.2004, 09.01.2004 and 02.09.2004 respectively, but they were paid salary from the date of acceptance of their joining.

4. In this regard, counsel for the State relied on



Annexure-A of the counter that it is the policy of the Department that payment of salary shall be made upon depositing the papers as well as no-dues certificate whichever is later.

5. In the light of the submissions made, it transpires to this Court that the joining of the petitioners were made prior to the said letter *i.e.*, Annexure-A contained in Memo No.3366 dated 24.06.2004, which shall have the prospective effect not the retrospective one. As such, this Court is of the view that Annexure-A shall not help to the respondent in any manner. In this view of the matter, it is directed to the respondent to assure payment to the petitioners from the day on which they have submitted their joining *i.e.*, 15.12.2003 for petitioner No.1 and 2 whereas 21.11.2003 for petitioner No.3. The arrear of payment of their salary is hereby directed to be paid within 3 months from the date of production of this order.

6. With the aforesaid directions and observations, the present writ application stands allowed.

(Dr. Anshuman, J.)

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