

(2017) 08 PAT CK 0022

In the Patna High Court

Case No : 3260 of 2017

Ashwini Kumar, son of Late Birendra Kumar Singh

APPELLANT

Vs

The State of Bihar

RESPONDENT

Date of Decision : 11-08-2017

Acts Referred:

Citation : (2017) 08 PAT CK 0022

Hon'ble Judges : Ahsanuddin Amanullah

Bench : SINGLE BENCH

Advocate : Ratna Deep Prasad, ?Jitendra Kr. Roy, ?Shailendra Kumar Singh

Final Decision : Disposed off

Judgement

1. Heard learned counsel for the petitioner, State and Tilka Manjhi Bhagalpur University.
2. The petitioner has moved the Court seeking a direction for payment of his salary which is due since 01.03.2016.
3. Learned counsel for the University submitted that the same shall be paid on receipt of funds.
4. Though learned counsel for the University submitted that he has filed counter affidavit, the same is not on record. It was submitted that in the counter affidavit the stand is that the petitioner and six other persons are the only ones left to whom salary has not been paid due to paucity of funds.
5. Having considered the aforesaid, in the opinion of the Court, the salary of the petitioner, till time he is working, cannot be

withheld due to paucity of funds and that too when other similarly situated persons have been paid.

6. In view of the aforesaid, a direction is issued to the respondents no. 4 and 5 to ensure that payment of arrears salary to the petitioner is made within two weeks from the date of service of a copy of this order on them. It is only clarified that the petitioner shall be entitled to such payment of salary as has been given to other similarly situated persons in a uniform basis without any pick and choose. This would not mean that the petitioner's case will be treated similar to six others who have not been paid and rather in general terms, if others have been paid, the petitioner shall also be paid.

7. Learned counsel for the petitioner drew the attention of the Court to order dated 24.07.2017 passed in C.W.J.C. No. 9711 of 2016 which was disposed off on the ground that in the counter affidavit filed by the same University, the salary for the period had already been paid to the petitioner under cheque dated 19.07.2017 and it was indicated that the same would be paid within one week from the date of receipt of a copy of the order upon the concerned respondents, if already not done. He pointed out that the same has still not been paid.

8. In view of the aforesaid, the Court would only indicate that if in the present case also the direction of the Court is not complied with, severe consequences shall follow.

9. The writ petition stands disposed off in the aforementioned terms.