

(1997) 08 PAT CK 0028
In the Patna High Court
Case No : C.W.J.C. No. 9672 of 1992

Bihar Inter University Board Employees Union and Others APPELLANT
Vs
The State of Bihar and Others RESPONDENT

Date of Decision : 07-08-1997

Acts Referred:

Citation : (1997) 2 PLJR 938

Hon'ble Judges : A.K. Ganguly, J

Bench : Single Bench

Advocate : Gopesh Kumar and R. Sharan, for the Appellant; S.R. Ahmad, S. Quisar Hasan and Chittaranjan Sinha, for the Respondent

Judgement

A.K. Ganguly, J.—Heard learned Counsel for the parties.

2. This writ petition has been filed by the Employees Union of the Bihar Inter University Board (hereinafter called the said Board) and also by Petitioner Nos. 2 and 3, who are employees of the said Board.

3. This writ petition has been filed claiming, inter alia, implementation of the Board's resolution dated 18.2.1984 whereby the Board decided to implement the Group Insurance Scheme of the State Government in favour of the Employees of the said Board. The entire demand of Petitioners is that the Government of Bihar has accepted the report of the 5th Pay Revision Committee and decided to implement the same with effect from 1.1.1986 and further decided to extend the monetary benefit from 1.3.1989 and said Board also in its meeting dated 20.4.1990 resolved to implement the revised pay scale as per the recommendation of the 5th Pay Revision Committee in respect of its employees also.

4. As the aforesaid resolution of the Board has not been implemented, the Petitioners have come before this Court by filing this writ petition.

5. Mr. Chittaranjan Sinha, learned Counsel appearing for the said Board has

submitted that the Board on principle has accepted the aforesaid demand of the aforesaid employees and has adopted those resolution but the said Board has no financial resources rather it depends upon the approval of the Finance Department. Without the financial assistance from the State Government, the Board cannot implement its own resolution, though the Board is willing to implement the same.

6. The State Government is also a party to this proceeding and the Finance Commissioner has been added as Respondent No. 6 in this writ petition by an order dated 23.8.1995.

7. The stand which has been taken by Respondent No. 1 in the counter affidavit is that the claim of the Petitioner has been examined by the Education Department and the matter has been sent to the Finance Department for approval and as the matter is lying with the Finance Department for approval, an appropriate order shall be issued by the Education Department after obtaining necessary approval of the Finance Department.

8. This Court on various earlier occasion directed the learned Counsel for the State to file counter affidavit on behalf of the Finance Commissioner, but the said affidavit has not been filed till date. Learned Counsel for the State submits that after the aforesaid order was passed by this Court, he has written several letters to the Finance Commissioner and prior to the said letter he had also sent several notes to the Finance Commissioner for giving him instruction in the matter, but the Finance Commissioner chose not to give any instruction.

9. This Court, therefore, cannot indefinitely await the pleasure of the Finance Commissioner to give instruction and file counter affidavit in the matter.

10. In that view of the matter, this Court disposes of this writ petition by directing the Finance Commissioner to take decision in respect of the grievances of the Petitioners which has already been examined by the Education Department and has been sent to the Finance Department for its approval. The decision must be taken by the Finance Department within a period of two months from the date of receipt/production of a copy of this order.

11. Since the said Board has taken a decision accepting the grievance of the employees, this Court is of the view that the Finance Commissioner ought not to defeat the same unless there are very compelling and weighty reasons for the same. Keeping these observations of this Court in mind, the Finance Commissioner is to take its decision in the matter within the aforesaid time.

12. With the above observation/direction, this writ petition is disposed of. There will be no order as to cost.