
(2005) 03 PAT CK 0091
In the Patna High Court
Case No : CWJC No. 595 of 2004

Sukhdeo Mukhiya and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 14-03-2005

Acts Referred:

Citation : (2005) 2 PLJR 623

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Judgement

Narayan Roy, J.—Heard counsel for the petitioners and J.C. to A.A.G. I for the respondents. The writ petitioners have prayed for issuance of a direction upon the respondents to make payment of their due salary for the period 11.10.2000 to the date they joined their respective posts.

2. it is submitted by Learned Counsel for the petitioners that by virtue of the notification issued by the State Government as contained in Annexure 1 dated 3.10.2000 the petitioners and others were appointed to the post of Veterinary Doctors in Bihar Animal Husbandry Services Class II (Basic Grade) on the recommendation of the Bihar Public Service Commission (hereinafter referred to as the Commission). The petitioners accordingly submitted their joining in the Animal Husbandry Directorate and thereafter appropriate postings were given to them by virtue of notification as contained in Annexure 4 dated 18.5.2001. The petitioners thereafter joined their respective posts. The petitioners thereafter were sent for specialised training in the institute of Animal Health and Production, Government of Bihar, Patna but due salary was not paid to them with effect from 11.10.2000 till the date of joining. Learned. counsel further submitted that similarly situated doctors had also moved this Court for the same self relief in C.W.J.C. No. 1823 of 2003. The writ application aforesaid was disposed of on 28.4.2003 vide order as contained in Annexure 7 and the respondent authorities were directed to pay salary to the petitioners for the period from 12.10.2000 to 15.5.2001 on which date they had joined within a

period of three months. Names of the writ petitioners of C.W.J.C. No. 1823 of 2003 also find mention in the orders as contained in Annexures 1 and 4. The order passed by this Court as contained in Annexure 7, in this view of the matter, squarely covers the case of the petitioners.

3. I am informed that pursuant to order as, contained in Annexure 7 due salary and emoluments have already been paid to those writ petitioners but no action has been taken in the case of the petitioners even though they represented before the state authorities. When some of the similarly situated persons had moved this Court and appropriate reliefs were granted to them by this Court vide order as contained in Annexure 7, same treatment could have been meted out to the petitioners as they were covered by the same notification as contained in Annexure 1 and 4. This shows that the state authorities had not applied their minds to the facts and circumstances of the case and unnecessarily these petitioners were compelled to move this Court for the reliefs already granted to similarly situated persons.

4. Considering the facts and circumstances of the case and for the reasons aforementioned, the respondent authorities are directed to pay salary and other emoluments to the writ petitioners from 11.10.2000 to the dates they had joined their respective posts by virtue of notification as contained in Annexure 4 dated 18.5.2001 within a period of three months from the date of receipt/production of a copy of this order. With the aforesaid observation/direction, this application is disposed of.