

## BIHAR HUMAN RIGHTS COMMISSION

9, Bailey Road, Patna – 15

File No **BHRC/COMP.** 1007/13

Case of **Ashwani Kr. Singh**

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16.09.2014

Petitioner is present. Mr. Lalu Singh, Secretary, Biscomaun is also present.

The petitioner retired in the year 2012. As pensionary benefits he has received Rs.2,67,800. He has not been paid any salary for a decade from 1996-2006. According to the respondents salary due to him without interest is more than rupees six lakh. The petitioner submits that his son suffered an accident in which his both legs got amputated and if he were to receive his due amounts he could set his son in some business.

The respondent submits that although the corporation is facing a financial crunch it would try to make payments to the petitioner but is not able to do so because of the order of the Patna High Court. It appears that when employees of the corporation were not able get their salaries they approached the High Court by way of writ petition and finally an order was passed by the Division Bench of the High Court. The order of the Division Bench has not been produced before this Commission but an order of the learned single judge in Miscellaneous Jurisdiction Case No.5722 of 2013 in Miscellaneous Jurisdiction Case No.3162 of 2007 has been produced before the Commission. The CWJC No.7197 of 2007 was passed on 6.12.2013. The order reads as under:-

“Writ application is disposed of with a clear direction upon the respondent Biscomaun that if claim of the petitioner with regard to unpaid salary remains, they will take up the same for

settlement in a chronological order which must be honestly maintained and complied with.”

The Secretary submits that since no one has been paid salary from 1996-2006 including persons who are still in service therefore the petitioner could not be paid without following the judgment of the Hon’ble High Court. This Commission also cannot pass any directions contrary to the order of the High Court.

Section 17(b) of the Protection of Human Rights Act, 1993 lays down:-

“(b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;”

In terms of the act Section 17(b) of the Protection of Human Rights Act, 1993 the Commission feels that it is a fit case for approaching the High Court for appropriate directions as the Commission feels that the petitioner needs to be differentiated from others who have not received their salary for long time. The copies of all the pleadings and orders be sent to Hon’ble High Court along with copy of this order to Registrar General of the Patna High Court. The Registrar General may place the matter before the Hon’ble Chief Justice.

Matter is disposed of.

***(Justice Bilal Nazki)***  
*Chairperson*