

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12410 of 2015

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1. Dhairya Narain Jha son of Late Nathuni Jha, R/V P.O.- Gonauli, P.S.- Andhra Khadi, District- Madhubani at present posted as Peon (Class-iv employee) at Sub-Divisional Agriculture office, Madhubani.
 2. Raj Kumar Paswan son of Late Saryug Paswan, R/V- Palibar, P.S.- Raj Nagar, District- Madhubani at present posted as Peon (Class-iv employee) at Sub-Divisional Agriculture office, Madhubani.
 3. Ram Babu Yadav son of Late Ras Lal Yadav, R/V- Dalokhair, P.O. & P.S.- Mirjapur, District- Madhubani at present posted as Peon (Class-iv employee) at Sub-Divisional Agriculture office, Madhubani.
 4. Yogendra Paswan son of Late Fakira Paswan, R/V- Maksuda, P.O. & P.S.- Pandaul, District- Madhubani at present posted as Peon (Class-iv employee) at Sub-Divisional Agriculture office, Madhubani.
 5. Md. Jamarul Haque son of Late Md. Kudral Ali, R/V- Atari Tola, P.O. & P.S.- Laukahi, District- Madhubani at present posted as Peon (Class-iv employee) at Sub-Divisional Agriculture office, Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Agriculture Department, Bihar, Patna
3. The Agriculture Director, Agriculture Department, Bihar, Patna.
4. The Joint Agriculture Director, Darbhanga Division, Darbhanga.
5. The District Magistrate, Madhubani.
6. The District Agriculture Officer, Madhubani.
7. The Sub- Divisional Agriculture Officer, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sinha

For the Respondent/s : Mr. GP26- N.K. Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-12-2015

Under a special scheme to augment the production of various cereals in the special seed farms across the State of Bihar, the State Government fixed certain guidelines and parameters in terms of Annexure- A annexed with the counter affidavit of the respondents. There is an object and purpose behind issuance of the guidelines,

Annexure- A dated 16th of July, 2013. The said guidelines also lays down responsibility on failure to achieve the productivity etc. upon the authorities saddled with the responsibility.

When most of the persons failed to achieve the target, the Directorate of Agriculture, Government of Bihar decided to effect recovery from the employees across the board on the basis of the parameters laid down in Annexure- A. Petitioners are persons who are hit by the decision taken by the Agriculture Officer, Madhubani/ Sub Divisional Agriculture Officer, Madhubani. There are orders of recovery as would be evident form Annexure- 1 series, which are under challenge.

After hearing counsel for the petitioners and the State and perusing the standards and basis on which such recovery has been made, this Court has no mechanism by which the authenticity of the explanation offered by these petitioners can be decided, therefore, to that extent, leeway will have to be given to the authorities for fixing responsibility, which is not unbridled or unguided if Annexure- A is gone through in entirety. However, the Court surely has series reservation that the petitioners' salary has been withheld since August 2014 and not paid on the spacious ground that the petitioners have failed to deposit. It was for the respondents to effect the recovery from the salary, if the petitioners failed to deposit the said amount on

their own.

Let the respondent authorities ensure that whatever adjustment is required to be done should be done but the poor employees' salary cannot be withheld indefinitely for which a decision has to be taken within six weeks from the date of production of a copy of this order.

So far as quantum is concerned, the Court still leaves it to the petitioners to press their case before the concerned authorities, who are in a better position to judge and assess and take a fresh decision.

Writ stands disposed of in terms of the above.

(Ajay Kumar Tripathi, J)

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