

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3399 of 2011

With
Interlocutory Application No. 2542 of 2015

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1. Sanju Devi wife of Shri Rabindra Kumar, resident of village-Andhar, P.S. Suryapura, District Rohtas (Sasaram) at present Sarpanch Shiobahar, Gram Pranchayat, Block & P.S. Suryapura, District Rohtas.
 2. Vijaymal Singh, son of Sri Ramashray Singh, resident of village-Kawai, P.S. Suryapura, District Rohtas (Sasaram) at present Up-Sarpanch, Shiobahar Grampanchayat, P.S. Suryapur, District Rohtas (Sasaram)

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Collector, Rohtas (Sasaram).
3. The Panchayati Raj Padadhikari, Rohtas (Sasaram).
4. The Block Development Officer, Block Suryapura, District Rohtas (Sasaram).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Pd. Singh

For the Respondent/s : Mr. Raju Giri, GP-22

Mr. Nikhil Kr. Agrawal, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 05-05-2015

Heard the parties.

These two petitioners, who claim to be Sarpanch and Up-Sarpanch respectively of Gram Panchayat Shiobahar under Surajpura Block in the district of Rohtas, have filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to pay them honorarium as per the government circular. However, in the whole writ petition copy of the aforesaid government circular showing entitlement of the petitioners for the honorarium has not been brought on record.

This writ petition was filed on 21.02.2011 and the matter

has remained pending for more than four years, yet the respondents have not filed their counter-affidavit controverting the claims raised on behalf of the petitioners.

In the aforesaid factual matrixes, this Court is of the opinion that instead of keeping the matter pending awaiting counter-affidavit from the respondents, the interest of justice shall be sub-served if the petitioners are granted liberty to file a comprehensive representation with all supporting documents before the respondent District Collector, Rohtas (Sasaram) raising all the pleas, which have been raised in the present proceeding. It is ordered accordingly.

If such a comprehensive representation is filed on behalf of the petitioners within a period of one month from today with a certified copy of the present order, then the respondent District Collector, Rohtas (Sasaram) either himself or any other competent authority of the respondent State shall be obliged to consider and decide the claims of the petitioners by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of such representation.

If on consideration of the materials the competent authority comes to a conclusion that claims raised on behalf of the petitioners are admissible to them, then consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

It is clarified that this Court has not gone into the merits of the claims raised on behalf of the petitioners in the present writ petition and it is left to be decided by the competent authority strictly in accordance with law.

The writ petition stands finally disposed of with the observations and directions made above.

Interlocutory Application No. 2542 of 2015 stands accordingly disposed of.

(Birendra Prasad Verma, J)

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