

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11889 of 2008

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Megh Nath Rai son of late Naresh Rai, presently Chowkidar(07//04) of Abadpur Police Station, resident of village Basantpur, P.O. Shivanandpur, P.S. Abadpur, District Katihar,

.... Petitioner

Versus

1. The State of Bihar,
2. The District Magistrate, Katihar,
3. The Sub-Divisional Officer, Barsoi, District Katihar,
4. The Sub-Divisional Police Officer, Barsoi,
5. The Circle Officer, Barsoi, District Katihar,
6. The Officer-in-charge, Abadpur, Police Station, Circle Barsoi, District Katihar,

... Respondents

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with

Civil Writ Jurisdiction Case No.11900 of 2008

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Budhi Rai son of late Kalu Rai, resident of village VAjeedpur, P.O. Chigra, P.S. Abadpur, District Katihar,

.... Petitioner

Versus

1. The State of Bihar,
2. The District Magistrate, Katihar,
3. The Sub-Divisional Officer, Barsoi, District Katihar,
4. The Sub-Divisional Police Officer, Barsoi,
5. The Circle Officer, Barsoi, District Katihar,
6. The Officer-in-charge, Abadpur, Police Station, Circle Barsoi, District Katihar,

.... Respondents

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Appearance :

(In CWJC No.11889 of 2008)

For the Petitioner : Mr. Md.Musowir, Advocate

For the State : Mr. Kaushal Kumar Jha, AAG 14

(In CWJC No.11900 of 2008)

For the Petitioner : Mr. Md.Musowir, Advocate

For the State : Mr. Kumar Alok, SC 8

Mr. Raj Kumar Singh, AC to SC 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

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05-11-2015

Heard learned counsel for the petitioners and the State.

These writ petitions have been filed seeking direction to the respondents for making payment of salary to the petitioners since the dates of their respective appointments.

Petitioners claim that they have been appointed as Chowkidars in place of their respective fathers who were working on that post and have died.

Counter affidavits have been filed on behalf of the State stating that the letter on the basis of which such appointments were made already stood cancelled and since there was no basis for such appointment, the respective appointments have already been cancelled.

Be that as it may, even in such case the petitioners, who were admittedly appointed and work has admittedly been taken from them, would be entitled for salary/emoluments in accordance with law for the period for which the work has been taken from them.

Accordingly, I dispose of both the writ petitions with a direction to the District Magistrate, Katihar, to calculate the dues of the petitioners from the respective dates of their appointments till the date of cancellation of their respective

appointments and make payment of the admitted dues of the petitioners within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

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