

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7903 of 2014

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Pankaj Kumar Pandit Son of Sri Janardan Pandit resident of village - Murli
Basantpur, P.S. - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Urban Development Department, Government of Bihar.
3. The Commissioner, Tirhut Division Saharsa.
4. The District Magistrate, Saharsa.
5. The Chairman, Nagar Parishad, Saharsa.
6. The Executive Officer, Nagar Parishad , Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. A.K. Dwivedi, Adv & Mr. Arbind
Kumar, Adv

For respondent nos. 5 & 6: Mr. Sharvesh Chandra Verma, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-02-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner's grievance in this writ application was for payment of his admissible salary and emoluments and the respondent Nagar Parishad, Saharsa has filed an affidavit that the petitioner is continuing in Nagar Parishad on daily wages by way of payment of the agreed amount of honorarium, this Court will not like to go into the question of the petitioner getting any further right of his



being paid salary of regular employee specially when the post on which the petitioner wants to be regularized was not sanctioned by the State Government. As a matter of fact to that extent, the respondents in the counter affidavit have explained that the petitioner will not be entitled for payment of salary of the regular employee, wherein, it has been stated as follows:-

“That without giving parawise reply to this writ application, the respondent is replying only to those facts which are necessary for adjudication of this case and reserves the right to file parawise reply if necessary and/or directed by this Hon’ble Court.

That it is submitted and stated that the petitioner has filed the writ application for direction for payment of wages from February 2013, current salary, and for quashing of letter contained in Annexure-4 to this writ application whereby the Respondent no. 6 has asked explanation from petitioner regarding his appointment failing which it was directed that petitioner’s appointment will be treated illegal and there would be further order for realization of payment already made to the petitioner.

That it is stated and submitted that as for as payment of due salary is concerned, it is directly related with Nagar Parishad Saharsa and Respondent no. 5 & 6 are competent authority to decide the matter.

That it is stated and submitted that Urban Developers and Housing Department vide it letter no. 903 dt. 15/5/2014 has written to Respondent no. 6 to file counter affidavit in the present writ application as the matter is concerned with Respondent no. 6. “

In view of above, this Court will find that the petitioner will not be entitled for payment of any salary for the post which was not even sanctioned by the State

Government much less in the regular prescribed pay scale. Therefore, the petitioner can get only the payment of his wages and remuneration as per the agreed terms and conditions on which he was engaged on daily wages.

With the aforementioned observations and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Ranjan/-

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