

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2807 of 2015

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1. Bishwanath Paswan son of Shri Dhuri Paswan Resident of Village-
Kulakhas, Police Station- Kasba, District- Purnea.
2. Sagam Lal Rajak son of late Banvari Rajak Resident of Village-
Mahthava, Police Station- Bhargama, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Government of
Bihar, Patna.
3. the Chairman , District Board, Araria
4. The Chief Executive Officer, Araria.
5. The District Education Officer, Araria.
6. Incharge Headmaster, Rajkiyakrit High School, Jokihat, Araria.
7. The Treasury Officer, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajanan Arun
For the Respondent/s : Mr. Sc10- S.S. Prasad

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR
TRIPATHI**
ORAL ORDER

2 19-02-2015 Since the petitioners were contractual employees on fixed remuneration, they cannot be treated at par with permanent Government servant nor the order of removal, if interfered, will entitle them for payment of ‘ salary for the period of removal’. The said principle will not apply taking into consideration the status and the engagement of the petitioner.

The petitioner was engaged by way of contract for service

and not of service. Therefore, they can beget remuneration for the period of work done by them during the subsistence of contract. If the contract was breached, the remedy of the petitioner would be filing appropriate proceeding before the competent civil court to claim damages. The relief which is applicable to permanent Government servant cannot be extended to the petitioner.

The writ application is dismissed.

(Ajay Kumar Tripathi, J)

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