

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4716 of 2015

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1. Upendra Prasad Saha son of Late Prithavi Chandra Saha Resident of village Shishia, P.S. Barari, District - Katihar, At present posted as Amin, Gandak Command Area Development Agency, Gopalganj Division, Gopalganj.
 2. Awadhesh Kumar Sharma son of Late Vishwanath Prasad Thakur Resident of Village - Maghau, P.O.- Maghau, P.S. Saraiya, District - Muzaffarpur, At present posted as Amin, Gandak Command Area Development Agency, Muzaffarpur Division, Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. Deputy Secretary, Command Area Development Directorate Department of Water Resources, Govt. of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Govt. of Bihar, Darbhanga.
5. Area Development Commission-cum-Chairman, Gandak Command Area Development Agency, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shanker Prasad, Sr. Advocate
Mr. Kamala Kant Tiwary
For the Respondent/s : Mr. Prabhu Narayan Sharma
For GADA (Res-5): Mr. S. C. Jha-3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 07-07-2015

07.07.2015 Petitioners are working as Amin in what is known as Gandak Command Area Development Agency, Muzaffarpur. This Court has no hesitation in recording that it is virtually a defunct organization where the man power is hardly utilized and people are getting salary by virtue of being on the rolls of agency.

The petitioners raised a grievance that they have been deputed by their parent department to work under Western Kosi Canal Project in Darbhanga under

Water Resources Department, Government of Bihar, which is illegal and prejudicial to their interest in many ways. To make it worse they are not even being paid deputation allowance.

If the State Government needs some trained hands for the purpose and object which require the deputation of these petitioners for a short period initially of three months it is high time petitioners earned their salary by doing something instead of doing hardly anything with their parent department. It is need of the hour, especially, when there is a shortage of hands of Amins because of non-appointment for a long period of time, that priority is given for the work in question because it goes without saying that the area where the petitioners have been deputed priority has to be given for measurement of land and payment of compensation so that the priority projects operating in that area can be expedited.

This is a temporary phenomenon and not a permanent deployment. Let the petitioners serve the society as well as earn their living and their wage by doing some service to society for a change.

Writ application in the above circumstances does not require any direction either to interfere with the



deputation or to give a direction for payment of deputation allowance over and above their salary, but the same must be paid regularly to the petitioners without fail.

Writ application stands disposed off with observation as above.

(Ajay Kumar Tripathi, J.)

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