

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12789 of 2007

Devendra Kumar, son of Bajrangi Sharma, resident of village and post-Kaswan, P.S.-Parasbigha, District- Jehanabad at present posted on the post of Panchayat Sewak (Secretary) and as also Panchayat Supervisor Hulasganj Block, District- Jehanabad.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Jehanabad.
3. The Deputy Development Commissioner, Jehanabad.
4. The Assistant Engineer, NREP, Jehanabad.
5. The Block Development Officer, Jehanabad.
6. The Mukhiya Gram Panchayat Kenari Block-Jehanabad, District- Jehanabad.
7. The Panchayat Sewek (Secretary), Kenari Gram Panchayat, Block and District- Jehanabad.
8. The Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna.

.... Respondents

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Roy, Advocate

Mrs. Nikki Singh, Advocate

For the Respondent/s : Mr. Himanshu Kumar Akela, AC to G.A.-1

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-10-2015

Learned counsel for the petitioner is permitted to implead the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna as respondent no.8 in course of the day.

Heard learned counsel for the petitioner and the State.

The petitioner seeks direction to the respondent nos. 5 and 6 for payment of arrears of dues which according to him is a sum of Rs.3,44,681/-only along with interest for completion of different schemes of *Kenari Gram Panchayat* in the district of Jehanabad in his

official capacity as Panchayat Secretary of the aforesaid *Gram Panchayat* in Jehanabad block.

This is very unfortunate that though notices were issued upon the respondent nos. 6 and 7, none has appeared and filed counter affidavit. This is further unfortunate that though this case has been filed in the year 2007 and though a direction was given to the State respondents to file counter affidavit on 21.01.2015, still no counter affidavit could be filed on behalf of the State respondents.

In above view of the matter, this writ application is being disposed of without waiting further for filing counter affidavit in the following manner :

The petitioner will approach before the Principal Secretary, Department of Panchayati Raj, Govt. of Bihar, Patna (respondent no.8) by filing representation along with the necessary documents in support of his claim. The respondent no.8 would be required to examine the matter. If it is found after inquiry that the dues are genuine then he will take immediate steps for payment of the same.

It is expected that whole process will be concluded within a period of four months from the date of filing of the representation.

It is made clear that in case petitioner's claim does not find favour with the respondent no.8 then he will be required to pass a

reasoned order and that should be immediately communicated to the petitioner.

However, in view of the fact that the State respondents have conducted this case in a very casual manner and have not filed necessary counter affidavit despite direction given in the order dated 21.01.2015, in my opinion, this is a fit case for awarding cost, which is assessed at Rs.5000/-.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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