

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.554 of 2014

IN

Civil Writ Jurisdiction Case No. 19805 of 2012

=====

Rajive Kumar Son Of Late Rabindra Prasad Singh Resident Of Village- Chandpura,
P.S.- Chandpura, Distt.- Begusarai

.... Petitioner/s

Versus

1. The State Of Bihar Through Director, Sarvanand M., Primary Education, New Secretariat, Patna
2. Sri Ajay Kumar Singh, District Planning Officer, (East) Munger
3. Sri Arun Kumar Kunwar, The District Programme Officer Munger
4. Smt. Ahilya Kumari Asarganj Block Education Officer

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Gopal Tiwari
For the Respondent/s : Mr. Sanjay Kr No.1

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 20-05-2015

Heard learned counsel for the parties as with regard to the
alleged non-compliance of the order of this Court dated 10.9.2013 in
CWJC No. 19805 of 2012.

Let it be noted that learned counsel for the petitioner had
not appeared before this Court on 10.9.2013 and this Court, having
perused the record as also after hearing learned counsel for the State,
had passed an order that a final decision on the pending representation
of the petitioner as with regard to claim of payment of arrear of salary
should be taken and if the petitioner is found entitled for such amount,
the same should also be paid to him. It was also made clear in the



same order that if nothing was found payable to the petitioner or any part of the claim of the petitioner was found inadmissible, the District Programme Officer (Establishment), Munger would be required to pass an order communicating the reasons for denial of the same. In fact, this Court while parting with had also clearly observed that it had not expressed any opinion on the merit of the claim of the petitioner.

A question, therefore, now would arise as to whether the opposite parties have violated the direction given in the aforesaid order of this Court. Learned counsel for the petitioner wants now to impress that the petitioner has not been paid his salary for last ten years. The question would be if an employee does not work for ten years years, whether he is entitled to get salary or not? The submission that the District Programme Officer (Establishment), Munger had also not issued notice or given opportunity of hearing before passing of the order disposing of the representation also does not seem to be correct because now by referring show-cause, a document of the petitioner himself, as contained in Annexure-H, has been brought on record which would go to show that on 25.11.2014, the petitioner in response to the notice given by the District Programme Officer (Establishment) had appeared and had sought to impress that direction for payment of salary was being given to him (District Programme Officer) by the Family Court and still payment

of salary was not being made.

This Court fails to understand as to how the Family Court can give direction for payment of salary of the petitioner. Nothing enjoins upon the Family Court to decide the issue of payment of salary, inasmuch as, the jurisdiction of the Family Court remains only to decide the matrimonial dispute.

Be that as it may, this Court would be satisfied that the opposite parties have complied the order of this Court by passing an order holding the petitioner not entitled for payment of salary for the period he had not worked. If the petitioner in any way is aggrieved by such order, he will definitely have a remedy before the appropriate authority/forum but, then, this application, for initiating a proceeding of contempt against the opposite parties, for the reasons indicated above, must fail and is, accordingly, dismissed.

The personal appearance of Mr. Devendra Kr. Jha, District Programme Officer (Establishment), Munger is also dispensed with.

(Mihir Kumar Jha, J)

Rishi/-

U			
---	--	--	--