

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5870 of 2011

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Ram Narayan Singh, son of Late Yogendra Prasad Singh, resident of village+ P.O. Tiswara Harilochanpur, P.S. Sarairanjan, District- Samastipur, presently posted as Assistant Settlement Officer, Settlement Office, Darbhanga

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Revenue & Land Reforms Department, Old Secretariat, Patna, Bihar
2. The Principal Secretary, Panchayati Raj Directorate, New Secretariat, Patna, Bihar
3. The Director, Panchayati Raj, Govt. of Bihar, Patna
4. The Commissioner, Darbhanga Division, Darbhanga
5. The Deputy Director(Planning), Department of Panchayati Raj, Bihar, Patna
6. The District Magistrate, Darbhanga
7. The Deputy Secretary, Revenue & Land Reforms Department, Old Secretariat, Patna, Bihar
8. The District Panchayat Raj Officer, Sitamarhi
9. The Sub Divisional Officer, Darbhanga
10. The Block Development Officer, Darbhanga
11. The Block Development Officer, Bathnaha, Sitamarhi
12. The Assistant Settlement Officer, Head Office, Darbhanga
13. The Principal, Mukhiya Sarpanch Training Institute, Muzaffarpur
14. The Nazir, Block Development Office, Darbhanga
15. The Block Development Officer, Matihani, Begusarai

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shree Ganesh

For the Respondent/s : Mr. S.Raza Ahmad AAG-9

Mr. Vishwambhar Prasad, AC to AAG-IX

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

15 19-07-2016

Heard Sri Shree Ganesh, learned counsel for the petitioner and Sri S.Raza Ahmad, learned AAG-9.

The present writ petition was filed under Article-226 of the Constitution of India with a prayer to direct the Respondents for the following reliefs:

“1(I) For a direction to the Respondents for

payment of salary for the period:-

- (a) 06.12.1999 to 07.12.1999 (two days only) when the petitioner was posted as Gram Panchayat Supervisor, Matihani Block, District- Begusarai
- (b) 01.08.2004 to 21.09.2004, when the petitioner was posted as Gram Panchayat Supervisor, Darbhanga Sadar Block, Darbhanga
- (c) November 2008 to February 2009 (four months) when the petitioner was posted as Gram Panchayat Supervisor , Bathnaha Block, Sitamarhi
- (d) 15.09.2009 to 16.09.2009(two days) when the petitioner was posted as Gram Panchayat Supervisor, Bathnaha Block, Sitamarhi
- (e) 11.01.2010 to 28.02.2010, when the petitioner was posted as Gram Panchayat Supervisor, Bathnaha Block, Sitamarhi

(II) For a direction to the respondents for payment of annual increment for the period July 2010 till date when the petitioner was/is posted as Assistant Survey Settlement Officer, Darbhanga

(III) For a direction to the respondents for payment arising out of Assured Career Progression (A.C.P.) Scheme, which has already been sanctioned to the petitioner since 30.10.2004.

(IV) For a direction to the respondents for payment of

Rs.7144 only, which is due to the petitioner as rest money of Yojana no.05/2006-07 and the order of payment of said money has already been given by the respondent no.10.

(V) For a direction to the respondents for payment of Rs.39,780/- which is due to the petitioner for attending a training Programme for District Resource Person (D.R.P.) for the period 14.12.2009 to 04.03.2010(60 days).

(VI) For a direction to the respondents for payment of Rs.12,000/- which is due to the petitioner for giving training to the Panchayat Secretary for the period 18.06.2010 to 07.07.2010 (24 days).”

In this case, number of counter affidavits have been filed. At the time of hearing, Sri Shree Ganesh, learned counsel for the petitioner submits that so far relief as contained in para- 1(II) and (IV) are concerned, same have already been granted. Regarding payment of benefit under the ACP Scheme, he accepts that it has been partly complied with. So far relief as contained in paragraph 1(I) is concerned, he submits that no final decision has been taken by the authority concerned, whereas the petitioner has filed number of representation.

Keeping in view the fact that the payment of salary is in relation to number of different dates, the Court considers that it is difficult for this Court to conclusively decide the issue. It has

been claimed that the petitioner has filed several representations before the authority concerned for the said relief but till date neither relief has been granted to the petitioner nor specific order has been passed by the authority concerned.

The Court is of the opinion that since relief no. 1 (II) and (IV) have already been granted, the writ petition can be disposed of granting liberty to the petitioner to file a detailed representation with supporting document before the Respondent no.3/ Director, Panchayat Raj, Govt. of Bihar within a period of six weeks from today. If such representation is filed, the Director, Panchayat Raj is required to examine the same and pass appropriate order in accordance with law. If he considers the claim of the petitioner as genuine, he is required to ensure payment within four months from the date of filing of representation. Even in case of refusal, he is required to pass a speaking order, which is to be passed and communicated to the petitioner within a period of four months from the date of filing of such representation.

With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J)

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