

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.347 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 11546 of 2013

Vinod Kumar Son of Late Uma Shankar Prasad Sinha, Resident of Village and P.O. Chochahi, P.S. Paroo, District- Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Planning And Development Department, Government Of Bihar, Patna
3. Senior Joint Director-Cum- Head of the Office, Planning And Development Department, (Economics And Statistics Directorate), Bihar, Patna
4. The District Magistrate, Muzaffarpur, District- Muzaffarpur
5. The District Statistics Officer, Muzaffarpur, District- Muzaffarpur
6. The Block Development Officer, Paroo, District- Muzaffarpur
7. The Circle Officer, Paroo, District- Muzaffarpur

.... Respondent/s

Appearance :

For the Appellant : (In person)

For the State : Mr. M. K. Singh, SC-6

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

CAV JUDGMENT

(Per: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH)

Date: 17-05-2016

Heard learned counsel for the parties.

The instant intra-court appeal under Clause X of the Letters Patent of Patna High Court is directed against the order dated 23rd January, 2014 passed by the learned Single Bench by which CWJC No. 11546 of 2013 filed by the petitioner has been dismissed.

The appellant was initially appointed on the post of



Panchayat Level Worker in Gram Panchayat Raj Chochahi Chapra in the district of Muzaffarpur by the Circle Officer, Paroo under order dated 24.01.2011. The appellant was deputed by the Block Development Officer, Paroo in the Block Office for issuance of birth/death certificate. His service was terminated by the Circle Officer, Paroo with effect from 15.05.2013. Being aggrieved, the appellant filed CWJC No. 11546 of 2013 for a direction to the authorities to pay the arrears of remuneration for the period 15.09.2011 to 21.05.2013. The writ petition was dismissed by order dated 23.01.2014 which is impugned in the present appeal.

Learned counsel for the appellant submitted that by the order of the authorities, he was deputed for discharging work in the Block Office, Paroo for issuance of birth/death certificate and thus he is entitled for remuneration for the period he discharged such duty.

Learned counsel for the respondents submitted that even though the appellant may have been selected for the post of Panchayat Level Worker under order dated 24.01.2011, but neither is there any pleading that the appellant ever gave his consent pursuant to the said selection nor he was posted as Panchayat Level Worker and the reference in the letter dated 15.09.2011 of the Block Development Officer, Paroo with regard to appellant being



Statistical Mitra is not enough to justify such engagement. It was further submitted that once the selection letter was given by the Circle Officer, Paroo, only under his authority the appellant could have worked at any other place and there being no order to this effect by the Circle Officer, Paroo, the appellant cannot claim payment of any remuneration because he has not been able to show that such work was validly entrusted to him and thus, cannot, as a matter of right claim remuneration for such job. It was submitted that even the letter dated 15.09.2011 does not indicate that the appellant would be paid any remuneration for such work. It was submitted that the appellant has also chosen the wrong forum for seeking such relief as it is a purely money claim.

Having considered the submissions of learned counsel for the parties, we do not find any merit in this appeal. The appellant has not been able to show any legal right for being assigned work of Statistical Mitra by the Block Development Officer, Paroo as there was no order to this effect by the Circle Officer, Paroo, since his selection was made by the Circle Officer, Paroo and not the Block Development Officer, Paroo. Further, there is nothing on record to indicate that the appellant, subsequent to having been selected, gave his consent and started working on the said post of Panchayat Level Worker. It is also clear from the order of the Circle Officer, Paroo

dated 15.05.2013 that the service of the appellant, along with 5 others, already stood terminated with effect from 30.06.2011 and thus, in the said view of the matter, the order of the Block Development Officer, Paroo dated 15.09.2011 itself becomes untenable and no right can be claimed, muchless enforced on such letter of the Block Development Officer, Paroo dated 15.09.2011.

For the reasons aforesaid, we do not find any error in the order of the learned Single Bench warranting interference and accordingly, the Letters Patent Appeal stands dismissed.

(Ahsanuddin Amanullah, J)

Hemant Gupta, J *I agree.*

(Hemant Gupta, J)

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