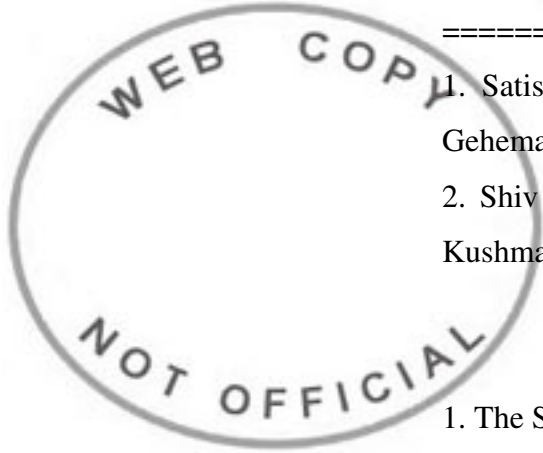


IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19656 of 2015



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1. Satish Kumar, S/o Sri Ram Parikshan Mahto R/o Bala Bakhar, PO-
Gehema, Bairiya, P.s Phulparas, Dist- Madhubani.

2. Shiv Kumar Sahu, son of late Anup Lal Sah R/o -Ekdara, PO Bagha
Kushmar, P.S- Phulparas, District Madhubani.

.... Petitioners

Versus

1. The State of Bihar

2. The Principal Secretary, Department of Rural Development , Bihar,Patna.

3. The Deputy Development Commissioner, Madhubani

4. Director, Accountant, Administrative and Self Employment ,Madhubani.

5. The District Collector-cum-District Programme Co-ordinator
(MANREGA) Madhubani.

6. The Block Deveent Officer-cum-Programme Officer, Ladania, District
Madhubani.

7. The Block Development Officer-cum-Programme Officer, Laukahi,
District Madhubani.

.... Respondents

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Appearance :

For the Petitioners : Mr. Yogendra Kumar, Advocate

For the State : Mr. Kunal Tiwary, AC to GA 3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-01-2016

Heard learned counsel for the petitioners and
learned counsel appearing for the respondent State of Bihar.

The petitioners were working as Panchayat
Rojgar Sevaks. Their services came to be terminated along
with several other Panchayat Rojgar Sevaks in the district of

Madhubani by virtue of an order, dated, 07.07.2015 passed by the District Collector-cum-District Programme Co-ordinator (MNREGA), Madhubani, on the ground that they had resorted to strike.

Learned counsel appearing on behalf of the petitioners has firstly submitted that these petitioners in fact had not resorted to any strike and had discharged their duties. He has secondly placed reliance upon an order, dated, 06.10.2015, passed in CWJC No. 15219 of 2015 (SubodhKumar Mishra & Others vs. State of Bihar & Others), in support of his submission that this Court directed for reinstatement of several Panchayat Rojgar Sevaks whose services came to be terminated by the said order, dated 07.07.2015, with certain conditions. He submits that the case of these petitioners is on better footing than those in whose favour the order, dated 06.10.2015, was passed by this Court inasmuch as the petitioner had in fact discharged their duties and had not resorted to any kind of strike.

Learned counsel appearing on behalf of the respondent State of Bihar, on the other hand, has submitted that if the case of these petitioners is found to be covered by the said decision of this Court, dated 06.10.2015, the petitioners shall be given similar treatment.

I have perused the order of this Court, dated

06.10.2015, passed in the case of Subodh Kumar Mishra & Others (supra), wherein this Court disposed of the matter with the following direction:-

"18. *This Court would, accordingly, dispose of all these writ applications by giving the following directions:*

(i) *All the P.R.S. including the petitioners, whose services have been terminated on account of their resorting to and continuing with the strike, shall be taken back in service by 31st October, 2015 provided they immediately report on duty to their respective controlling authorities with a written individual apology and undertaking that they shall not again go on strike in future and would strictly abide by the terms and conditions as set out in their contractual agreement with DRDA.*

(ii) *Any of the PRS including the petitioners, who shall not report on duty on or before 31st October, 2015, with their aforesaid written apology and undertaking, shall not be reinstated in service and their vacancies shall be filled up by undergoing the fresh process of recruitment.*

(iii) *Those of the PRS including the petitioners, who shall be taken back in service in view of their submission of joining report with their written apology and undertaking to their respective controlling authorities, shall not be entitled for payment of any salary for the period they have not worked during the period of strike and till the date of their acceptance of joining in terms of this order.*

(iv) *The advertisement which has been issued for filling up the post of PRS on account of removal of the petitioners and others on account of their remaining on strike shall not be given effect to till 31st of October, 2015 and only those required number of post of PRS on the basis of such advertisement shall be filled up after 31st October, 2015 which is found to be necessary for monitoring of MNREGA scheme after reinstatement of the petitioners and other PRS all over the State.*

(v) *Though any and every PRS including the*

petitioners would not be deprived of raising their legitimate grievance for a better service condition in future but their such agitation will also be peaceful and also without adversely affecting the MNREGA Schemes in which they have been engaged.

(vi) The State Government if need be in consultation with the Central Government, must make its sincere effort to consider the genuine grievances raised by individual PRS or through Association of PRS to ensure periodical revision of their fixed monthly wages alike it has been done in the recent past by enhancing their fixed monthly emoluments and remuneration to the tune of Rs.6,681/- per month.

(vii) The Secretary to the Rural Development Department shall issue a general direction to all the Collector of the District and the Deputy Development Commissioner monitoring the MNREGA Scheme being carried through respective District Rural Development Agency for the compliance of the directions given in this order without exception and its observance in letter and spirit."

This writ application is accordingly disposed of in terms of the aforesaid order, dated 06.10.2015, passed by this Court in the case of Subodh Kumar Mishra & Others (supra), operative portion of which has been quoted hereinabove. In terms of the said order of this Court, services of all persons whose services came to be terminated by the impugned order were required to be restored by 31.10.2015. Learned counsel for the petitioners submits that services of these petitioners have not been restored so far. If that be so, the respondents are hereby directed to take back these petitioners in service forthwith in terms of the said order.

It is the case of the petitioners that they had been working and had not resorted to strike, and, therefore, they are entitled for salary also for the concerned period.

I direct the District Magistrate, Madhubani, to look into this aspect of the matter and if, upon verification, it is found that the petitioners had in fact discharged their duties during the period in question, he shall consider payment of their salary for the concerned period.

The writ petition stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

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