

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1829 of 2011

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Nand Kishore Prasad Verma S/O Late Baldeo Prasad Verma R/O
Har Batika Bettiah, P.S.-Muffasil Bettiah, Distt-West Champaran,
Bettiah

.... Petitioner

Versus

1. The State of Bihar through its Secretary, Department of Agriculture Govt. of Bihar, Patna
2. The Agriculture Production Commissioner, Govt. of Bihar, Patna
3. The District Magistrate-cum-Chairman, District Horticulture Mission West Champaran, Bettiah
4. The Mission Director, State Bagwani Mission, Patna
5. The District Horticulture Officer, West Champaran, Bettiah

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh

For the Respondent/s : AC to GA - 7

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

14. 10-05-2016 Heard Sri Ranjan Kumar Singh, learned counsel for
the petitioner and learned A.C. to Govt. Advocate - 7.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has made a prayer for quashing of an order 17-09-2010 passed in Case No. R.M. 46/2010-11 (**Annexure - 1** to the writ petition). By the said order, the learned District Magistrate has disposed of the claim of the petitioner, which was filed pursuant to an order dated 03-05-2010 passed in C.W.J.C. No. 4252 of 2010 (**Annexure - 2** to the writ petition).

The petitioner has claimed that he had not been paid his remuneration for the period in between June, 2009 to December, 2009. The petitioner has claimed that he has worked as Accountant on contractual amount of Rs. 5,000/- (five thousand) per month. Earlier, he was paid, but since June 2009, he was not paid his remuneration.

Earlier a Bench of this Court by its order dated 03-05-2010 had disposed of C.W.J.C. No. 4252 of 2010, in view of the fact that representation of the petitioner was pending before the District Magistrate-cum-Chairman of the District Udyan Office, West Champaran at Bettiah. The District Magistrate was directed to pass appropriate order. It was observed that *"if it is found that the petitioner has been working then payment order may also be passed within specified time."* Pursuant to the said order, the District Magistrate has passed the impugned order.

It has been pleaded that in the representation of the petitioner which was filed before the District Magistrate, some typographical error had occurred regarding the date of claim. He submits that in spite of the fact that he was working since 25-12-2007, it was incorrectly typed as 25-12-2008 instead of 25-12-2007.

In this case, number of counter affidavits and rejoinders have been filed.

Learned counsel for the petitioner, by way of referring to **Annexure - 10** to the reply filed by the petitioner on 27th October, 2015, submits that the review application, which was filed by the petitioner before the District Magistrate, has been kept in abeyance till the disposal of the writ petition, whereas, learned counsel for the State submits that some apparent illegality was noticed and it was found that petitioner in connivance with his own brother, who was earlier employed as Assistant in the same office, had got some document fabricated and thereafter, an F.I.R. has also been lodged and investigation is going on. The fact regarding lodging of the F.I.R. was not disputed by learned counsel for the petitioner.

The Court is of the opinion that since decision for review of the order by the District Magistrate on application filed by the petitioner has been kept in abeyance on the ground that the present writ petition is pending before this Court, it would be appropriate to dispose of the writ petition so that on review petition, filed by the petitioner, the District Magistrate may pass appropriate order.

The writ petition stands disposed of.

The Court expects that the District Magistrate may take appropriate decision on the review petition filed by the petitioner preferably within a period of six months from the date of receipt/production of a copy of this order.

(Rakesh Kumar, J.)

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