

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10848 of 2014

=====

1. Ram Sevak Mahto Son of Late Sonelal Mahto Resident of village - Mayapur,
P.O. Badarbanna, P.S. Bahera, District - Darbhanga

.... Petitioner/s

Versus

1. The State of Bihar through the Agriculture Production Commissioner - cum -
Principal Secretary, Department of Agriculture, Govt. of Bihar, Patna
2. The Secretary, Department of Agriculture, Govt. of Bihar, Patna
3. The Director, Agriculture, Department of Agriculture, Govt. of Bihar, Patna
4. The Joint Director, Agriculture (Plant Protection), Department of Agriculture,
Methapur Agriculture Farm, Patna
5. The District Magistrate, Begusarai
6. The District Agriculture Officer, Begusarai, Department of Agriculture, Govt. of
Bihar, Begusarai
7. The Junior Plant Protection Officer, Begusarai, Department of Agriculture, Govt.
of Bihar, Begusarai
8. The District Treasury Officer, Begusarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. AC to SC 9

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-12-2016

Petitioner was employee of Bihar Agriculture Marketing Board. He was one of the persons, who came to be accommodated or adjusted under the State for which a notification dated 22.2.2009 contained in Annexure- 1 was issued. His name figures at serial 127.

Petitioner claims that after the issuance of this notification contained in Annexure- 1, he gave his joining on 28.2.2009 and in support thereof he has annexed Annexure- 1/A. However, in absence of any seal, receiving etc. having been shown to the said application of joining, the Court has certain reservation in



accepting its authenticity. Counsel for the petitioner thereafter submits that there is a document, which is a letter dated 23.11.2010 written by the Junior Plant Protection Officer, Begusarai to the Joint Agriculture Director, which indicates about the joining of the petitioner in the office.

State was directed to file counter affidavit and explain as to why the petitioner is not being paid his salary till date, which has compelled him to approach the High Court for a direction.

The stand of the State in the counter affidavit is that there is nothing to indicate from the available records at Begusarai that the petitioner gave his joining or has been working at any of the centers after his joining and that is the reason why the respondent State authorities have not accepted the claim of the petitioner about his joining and as a corollary the question of payment of salary does not arise.

The respondents have also annexed certain documents, communications, including the attendance register, which indicate that there is no mention of the petitioner anywhere of him having joined or performing work under the respondents at Begusarai jurisdiction.

In the circumstances as above and that no clear evidence is emerging that the petitioner had actually joined and had been working uninterruptedly thereafter, there cannot be any direction in



favour of the petitioner for payment of his salary in absence of any unimpeachable evidence in favour of the petitioner.

Writ application is dismissed. If the petitioner has any other forum or remedy, he may invoke the same.

(Ajay Kumar Tripathi, J)

sk

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.12.2016
Transmission Date	NA

