

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9036 of 2014

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Bablu Kumar, son of Ram Sumiran Das resident of village Sahebpur Kamal (West)
P.S. Sahebpur Kamal, District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai, District- Begusarai
3. The Block Education Officer, Sahabpur Kamal, P.S. Sahebpur Kamal, District- Begusarai
4. The Block Development Officer, Sahebpur Kamal, P.S. Sahebpur Kamal, District- Begusarai
5. The Block Development Officer, Sahebpur Kamal, P.S. Sahebpur Kamal, District- Begusarai
6. The Gram Panchayat Sahebpur Kamal (West) P.S. Sahebpur Kamal, District- Begusarai through its Panchayat Sachib
7. The Sukh Subidha Samiti of Gram Panchayat, Sahebpur Kamal (West) P.S.- Sahebpur Kamal, district- Begusarai, through its Chairman the Mukhiya of the Panchayat
8. The Mukhiya of the Gram Panchayat Sahebpur Kamal (West) P.S. Sahebpur Kamal, District- Begusarai
9. The Panchayat Sachib of the Gram Panchayat Sahebpur Kamal district Begusarai
10. The Head Master, Railway Middle School Sahebpur Kamal District- Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Rashid Alam
For the Respondent/s : Mr. Sushil Kumar Singh,
AC to A.A.G.-10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 24-11-2016

Heard learned counsel for the parties.

Petitioner is not a permanent employee under the State. His engagement is purely contractual. His expectation for a direction upon the respondents to give him benefit of remuneration or salary, as he claims, which is a misnomer, cannot be granted, even if his disengagement or removal has been otherwise found to

be bad by the District Teachers Employment Appellate Tribunal, Begusarai.

The principle, which is applicable to a permanent government servant where Courts do reward or compensate an employee for the illegal order of removal, followed by reinstatement, cannot be extended to a contractual employee.

The remuneration is always paid for such employees on actual work basis and not notional work basis. There is no dispute about the status of the petitioner and the nature of engagement. If that be so, the insistence and harping by the counsel for the petitioner that the petitioners' appointment must relate back to the initial period of engagement is nothing, but an effort on his part to corner the benefit of remuneration for a period where he had not worked or may be not allowed to work.

The petitioner cannot be given the exalted status of a permanent employee under the State.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
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