

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.505 of 2016
IN
Civil Writ Jurisdiction Case No. 107790 of 2015**

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1. Bihar Bhoodan Yagna Committee Karykarta Sangh, Kadam Kuan, P.S. - Kadam Kuan, Patna - 3, at present Gardanibagh, P.S. - Gardanibagh, District - Patna - 2, A Registered Trade Union bearing Registration No. 2943 through its General Secretary.

.... Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Revenue & Land Reforms, Govt. of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
4. The Bihar Bhoodan Yagna Committee, through its Chairman, Office address - Gardanibagh, Road No. 34, Quarter No. 2, P.O. Anisabad, P.S. - Gardanibagh, District - Patna.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ibrahim Kabir, Advocate
For Respondent No.4	:	Mrs. Alka Verma, Advocate
For the State		Mr. Rishi Raj Sinha, SC-19
		Mr. Akhilesh Kr. Sinha, AC to SC-10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 01-05-2017

Petitioner, an association of employees working in
the Bihar Bhoodan Yajna Committee, filed the writ petition in



question and sought a *mandamus* to direct the State Government to pay salary and allowances to the petitioner or to release grant-in-aid to facilitate payment of salary and allowances. When the matter was taken up for hearing on 13.1.2016, the learned Writ Court found that the State Government has already taken steps for releasing the grant of Rs.1,58,16,000/- and, therefore, disposed of the writ petition in the following manner:

“Writ application now stands disposed of in view of the stand of the State that they have already taken steps for release of Rs.1, 58, 16, 000/- for the current financial year for which budget provision has already been made. In view of the same, the State is directed to ensure that this fund is released well before 31st March before the financial year comes to close.

I.A. No.60 of 2016 stands allowed for the reasons indicated therein. The order imposing cost of Rs.5000/- upon the State authorities passed on 21.12.2015 stands recalled.”

It is the case of the petitioners that the learned Writ Court should have directed for payment of all the arrears of salary and other benefits and as this was not done, the learned Writ Court has committed an error.

Learned counsel appearing for the petitioner took us through the Bihar Bhoodan Yagna Act, 1954 and argues that the



Bihar Bhoodan Yagna Committee is a creation of the Statute. The Committee facilitates in managing and distributing the lands donated under the Bhoodan Abhiyan in furtherance to the wishes of Acharya Vinoba Bhave. It is a statutory committee and State Government is obliged under the Statute to maintain the Committee and thereby to facilitate functioning of the Committee, to give salary or grant-in-aid to the Committee for payment to its employees.

Inter alia contending that the Chairman and members are nominated by the State Government, the Committee is managed by the State Government and, therefore, the State is, under law, obliged to pay the grant and salary, the this appeal has been filed and learned counsel seeks indulgence into the matter.

Learned counsel appearing for the State refuted the aforesaid contention and invited our attention to a judgment rendered by a Division Bench of this Court in the case of State of Bihar & Ors. Vs. Badrinarayan Singh, 2003 (2) P.L.J.R. 433, and the principles laid down in the aforesaid judgment, particularly in para 3 to say that the State is not liable to pay grant-in-aid or salary to the employees of the Committee. Contending that in view of this judgment, no relief can be granted to the petitioner, the prayer is made that the appeal be dismissed. That apart, learned counsel for



the State invites our attention to the Bihar Bhoodan Yagna Act, 1954, the provisions of Sections 3 and 4 and argues that only the Chairman and 9 members of the Committee are appointed by the State Government for a period of three years. There is no liability imposed upon the State Government to pay salary to the employees, but the State Government, as a measure of good will, has been making annual grant to the Committee for last more than seven years and it is stated that for the financial year 2009-10 up to 2015-16 grants to the tune as indicated in para-6 of the counter affidavit have been made. It is stated that under Section 24 of the Act it is the Bhoodan Yagna Committee which has to make regulation and under para 13 and 17 of the Regulation, it is the Committee which has to make the annual budget and manage its own resources by taking assistance or grant from the State or loan or gift from the State Government, individuals, Central Government or any organization. Accordingly, it is the case of the State Government that they are not liable to pay any grant or salary to the employees and that in the absence of there being any statutory law on the Statute, no *mandamus* can be issued.

We have heard learned counsel for the parties at length and we have also gone through the Bhoodan Yagna Act and



the regulations framed therein and we do not find nor has any statutory provision, rule or regulation been brought to our notice which mandates, under law, the State Government to make payment of salary or any grant to the Committee. On the contrary, a co-ordinate Bench of this Court in the case of Badrinarayn (supra) has held after taking note of various provisions of the Bihar Bhoodan Yagna Act, 1954 that the State Government is not liable to pay salary or any grant to the Committee and, therefore, we are of the considered view that no *mandamus* can be issued to the State Government in the absence of there being any statutory or constitutional provision mandating the State Government to pay any grant or salary to the employees of the Committee. It is for the State Government to consider payment of grant-in-aid and to facilitate granting financial assistance to the Committee and it is for the Committee to seek assistance from the State Government in the absence of there being any statutory provision, *mandamus* cannot be issued by this Court for grant of any financial assistance, grant or salary to the employees.

We grant liberty to the Committee to approach the State Government with its grievances and we are hopeful that the departmental authorities shall consider the activities of the



Committee, the statutory provisions under the Act and the fact of payment of grant in aid by the State Government for previous years, take steps for grant-in-aid to the Committee in accordance to the policy decision of the State Government.

Finding no case made out for *mandamus* as prayed for, with the aforesaid observation and liberty to the petitioner to approach the State Government, we dispose of the matter.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	9.5.2017
Transmission Date	N/A

