

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10189 of 2017

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Brahmadeo Prasad Singh S/o late Raudi Singh Resident of Mohalla-
Ghughari Tarn, Near Sai Mandir, Bypass Road, P.O.- chandchaura, P.S.
Vishnupad, District- Gaya , at Present Head Master, Primary School, Jaipur,
Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, New Secretariat, Patna.
2. The District Magistrate, Gaya, District- Gaya.
3. The District Education Officer, Gaya, District- Gaya.
4. The District Programme Officer(Establishment), Gaya, District- Gaya.
5. The Block Education Officer, Sherghati, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar Sinha, Advocate
For the State	:	Mr. Madhukar Mishra, AC to SC16

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 21-12-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ petition
is non-payment of salary despite the fact that the petitioner is
regularly working.

Learned counsel for the petitioner submits that earlier the
petitioner was on deputation vide Annexure-1. He carried out
the order of deputation and performed the duty on deputation
and thereafter the respondents have decided to repatriate the
petitioner. The petitioner has carried out the order of repatriation
and is continuing in the original place where he was posted as



Panchayat Shikshak. Unfortunately, the respondents are sitting tight over the matter and not making payment of salary to the petitioner.

Considering the peculiar facts and circumstances as indicated hereinabove, the writ petition is disposed of with a direction to the District Programme Officer (Establishment), Gaya to look into the grievance of the petitioner and pass positive order with regard to payment of salary within a maximum period of 60 days from the date of receipt/production of a copy of this order.

It is made clear that if the petitioner is regularly working after valid appointment, there is no justification not to make payment of salary and as such, if decision is not taken within the aforesaid 60 days, the respondent-District Programme Officer (Establishment) shall be responsible for payment of interest from the due date till the date of actual payment at the rate of 9% per annum from his own pocket.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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