

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1221 of 2014

In

Civil Writ Jurisdiction Case No. 21927 of 2012

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Kamaldeo Prasad Son of Late Asharfi Prasad, Resident of Rampur Gopal,
P.S. Chakia, District - East Champaran

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department (Panchayati Raj), Bihar, Patna
2. The Deputy Secretary, Rural Development Department, Bihar, Patna.
3. The Director, the Directorate of Panchayat, Government of Bihar, Patna
4. The Commissioner, Tirhut Division, Muzaaffarpur
5. The Deputy Director, Panchayat Raj Tirhut Division, Muzaaffarpur
6. The District Magistrate, East Champaran, Motihari
7. The Deputy Development Commissioner, Champaran at Motihari
8. The District Panchayati Raj Officer, East Champaran at Motihari

.... Respondents

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Appearance :

For the Appellant : Mr. Vijay Shankar Shrivastava, Advocate
For the State : Mr. Lalan Kumar, AC to GP-9

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY**

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

11 24-11-2017 Seeking exception to an order passed by the learned Writ Court on 11.3.2014 in C.W.J.C. No.21927 of 2012, this appeal has been filed under Clause-X of the Letters Patent. The only question involved in the case is as to whether petitioner is entitled to count his services as Panchayat Sevak from the date he was sent for training or from the date he joined on the post after completion of the training.

Having heard learned counsel for the parties, we find that



in the order Annexure-5 to the writ petition dated 22.8.2001, by which after appointment, petitioner was sent for training, it has been clearly indicated that after concluding the training successfully, the petitioner shall be substantively appointed to the post in question and he will be treated to have been appointed from the date he is sent for training. The same is based on the policy as contemplated in circular no.1700 dated 15.4.2000 issued by the Government of Bihar in the Rural Development Department and in Clause-III of the aforesaid circular, it has been clearly stipulated that a Panchayat Sevak, who is appointed to the post, shall undergo the prescribed training after successfully completing the training he shall be appointed on the post retrospectively with effect from the date he was sent on training.

Taking note of the aforesaid, it is clear that the terms and conditions of the appointment of the petitioner itself stipulated that his services will be counted from the date he was deputed for training and, therefore, there is no reason as to why his service should not be counted from the date he was sent for training keeping in view the aforesaid and the fact that the learned Writ Court has not taken note of all these terms and conditions of the appointment which are apparent from the face of record, we allow the appeal, quashed the impugned order and direct the respondents



to count the services of the petitioner from the date he was deputed for training as indicated hereinabove.

However, as stated before us, the petitioner shall not claim salary until his regular appointment on the post and for the said period he will be paid only the honorarium which was sanctioned to him for the training.

Except for the said purpose, his services shall be counted from the date he was sent for training for all other purposes.

(Rajendra Menon, CJ)

N.H./-

(Anil Kumar Upadhyay, J)

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