

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.121 of 2013

IN

Civil Writ Jurisdiction Case No. 14879 of 2012

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Sulochna Kumari W/O Shiv Avtar Singh R/O Village - Barahaiya Ward No. 1,
Muhwari, P.O. + P.S. Barahaiya, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar Through The Principal Secretary, Department of Human Resources Development, Government of Bihar, Patna Namely Amarjit Sinha
2. The Director Department of Primary Education, Government of Bihar, Patna, Namely Sri Ashutosh Kumar
3. The District Magistrate, Lakhisarai, Namely Ram Swarup Singh
4. The District Programme Officer (Establishment), Lakhisarai, Namely Sri Dinesh Kumar Chaudhary
5. The Block Education Extension Officer, Barahaiya, District - Lakhisarai, Namely Sumitra Kumari Sinha
6. The Mukhiya, Gram Panchayat Raj, Jaitpur, Block - Barahaiya, District - Lakhisarai, Namely Navin Kumar Singh
7. The Panchayat Secretary, Gram Panchayat Raj, Jaitpur, Block - Barahaiya, District - Lakhisarai, Namely Ram Shankar Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRAMOD MISHRA

For the Respondent/s : Mr. S.S. SHABBAR HUSSAIN GP4

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 09-11-2017

Inter alia contending that an interim order passed on 26.09.2012 in Civil Writ Jurisdiction Case No. 14879 of 2012 staying the impugned action has not been fully complied with, this application was filed for initiating action for contempt more than five years back on 09.01.2013.

From the show cause filed by the District Programme Officer (Establishment), Lakhisarai, it is seen that even



before the interim order was passed in the writ petition on 26.09.2012, respondent No. 9 was appointed to the post and once the order passed by this Court on 26.09.2012 was brought to the notice of the authorities concerned, the petitioner has been reinstated and he has been granted appointment to the post in question. However, it is the grievance of the petitioner further that against a single post, both the petitioner and respondent No. 9 are working and salary to the petitioner is not being paid.

The State Government has brought on record communications made to the Mukhiya and Panchayat Secretary for making payment of salary to the petitioner for the work done.

Today, when the matter is taken up, none is present and the records indicate that notices could not be served on respondent Nos. 6 and 7.

Taking note of the totality of the circumstances, as the Mukhiya and the Sarpanch who would have been responsible for taking action in the year 2012-13 and who are the actual respondents at that point of time are no more available, for the present, without initiating action for contempt, it is directed that in case the salary to the petitioner for the work done is not being paid even as on date and in case the petitioner feels that for certain period after the order was passed on 26.09.2012, salary has not been paid,



petitioner may submit a claim to the Block Education Extension Officer, respondent No. 5 and he shall proceed to take action against the Panchayat and ensure that the entire salary to the petitioner is paid within a period of one month of submission of a copy of this order. Thereafter, if any grievance still subsists, petitioner is granted liberty to file Interlocutory Application and claim specific orders and directions in the pending writ petition bearing Civil Writ Jurisdiction Case No. 14879 of 2012.

With the foresaid, this application stands disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15/11/2017
Transmission Date	NA

