

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15989 of 2008

=====

Gauri Shankar Prasad son of late Manik Chand Prasad, Resident of village Math
Bajinathpur, P.O. Bishambharpur P.S. Dinara, District Rohtas

.... Petitioner

Versus

1. The State of Bihar
2. Director, Welfare Department, Bihar, Patna
3. Collector, Rohtas.
4. District Welfare Officer, Rohtas
5. Block Development Officer, Dinara, Rohtas
6. Block Welfare Officer, Dinara, Rohtas.
7. Hostel Superintendent, Harijan Hostel, Dinara, Rohtas

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Mahesh Prasad 2,
Mr. Rewti Kant Raman, Advocates
For the Respondents : Mr. Upendra Pratap Singh, AC to SC 4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for a direction
to the respondents to pay arrears of salary of the petitioner who claims
to have been working since 05.01.1996 as Night Guard.

3. Learned counsel for the petitioner submits that despite
having worked for a number of years after he was appointed to work
as Night Guard by the Block Development Officer in terms of his letter
no. 92A dated 04.01.1996 as well as the confirmation of the Hostel
Superintendent (Annexure-22), the petitioner has not been paid salary
for the service rendered.



4. A counter affidavit has been filed on behalf of the State in which, inter alia, the validity of the petitioner’s appointment itself has been doubted and it has been stated that no appointment on daily wages could be made after 01.08.1985. Moreover, it is submitted that the Block Development Officer was not the competent authority to appoint a person on daily wages.

5. Be that as it may, with consent of the parties, the writ petition is being disposed of with a direction to the District Welfare Officer, Rohtas (respondent no. 4) to consider and dispose of the petitioner’s representation dated 04.06.2007 (Annexure-20) said to have been filed by the petitioner, if still pending, expeditiously and preferably within a period of three months from the date of receipt/ production of a copy of this judgment, after affording an opportunity to the petitioner, in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	11.07.2017
Transmission Date	N.A.

