

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1198 of 2016

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1. Md. Sattar Ansari, Son of Abdul Rahman Ansari, resident of village- Madhopur, P.S. - Turkaulia, District - East Champaran, at present posted as Peon in Industrial Training Centre, Katihar, District - Katihar.
 2. Sri Ram Jas Singh, Son of Laxmi Singh, resident of village - Malkaunia, P.S. - Motihari Muffasil, District - East Champaran, at present posted as Peon in Industrial Training Centre, Katihar, District - Katihar.
 3. Ram Ekabal Singh, Son of Late Daroga Singh, resident of village -Amar Chhatuni, P.S. - Motihari Muffasil, District - East Champaran, at present posted as Peon in Industrial Training Centre, Munger, District – Munger.

.... Petitioner/s

Versus

1. The State of Bihar through Commissioner -cum- Secretary, Administrative and Personnel Department, Government of Bihar, New Secretariat Patna.
2. The Commissioner -cum- Secretary, Administrative and Personnel Department, Government of Bihar, New Secretariat Patna.
3. The Deputy Secretary, Administrative and Personnel Department, Government of Bihar, New Secretariat Patna.
4. The Director, Employment and Training, Government of Bihar, Patna.
5. The Deputy Director, Employment and Training, Government of Bihar, Patna.
6. The District Magistrate, Motihari, District - East Champaran.
7. The District Establishment Department, Collectorate Motihari, District-East Champaran.
8. The Block Development Officer, Kotwa, District - East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M. N. Parbat, Sr. Adv.
Mr. Sanjay Kumar Jha, Adv.
For the Respondent/s : Mr. Satya Prakash, AC to SC-22.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 24-08-2018

Heard Mr. M.N. Parbat, learned senior counsel appearing on behalf of the petitioners and Mr. Satya Prakash, learned Assisting Counsel to Standing Counsel No.22 for the State.

A very limited grievance has been raised by the three petitioners herein seeking direction to the respondent concerned to make payment of their due salary. While the petitioner nos.1 and 2 raise such claim for the period 01.08.2007 to 22.03.2011, the



petitioner no.3 raises such claim for the period 01.06.2007 to 22.03.2011.

A counter affidavit is filed on behalf of the Director, Labour, Employment and Training Department, Bihar, Patna and practically they have admitted the claim as manifest from the statement present in paragraphs 11 and 12 of the counter affidavit. It is in reference to a letter no.734 dated 01.03.2016 at Annexure 'D' that it is stated that although direction was given to concerned official of the District Administration, East Champaran at Motihari not to take work from any member but the alleged work has been taken from the three petitioners for the period in question. Such is the statement made in paragraph 11 of the counter affidavit. In paragraph 12 of the counter affidavit it is stated that the matter relating to payment of salary of the petitioners for the period in question is related to the District Administration, East Champaran at Motihari who are required to settle the matter in accordance with law. It is also stated that a request is made to the District Magistrate, East Champaran at Motihari and other official for the needful vide letter dated 01.03.2016, a copy of which is enclosed at Annexure 'D'. Annexure 'D' is a letter of the Director, Employment and Training, Labour Resources Department, Government of Bihar, Patna in which a direction is issued to the District Magistrate, East Champaran at Motihari and other authorities of the Collectorate to



make payment of the dues of the petitioners, which direction is present in paragraph 2 of the letter.

In the circumstances so discussed and for the present I would direct the District Magistrate, East Champaran at Motihari to act in accordance with direction issued by the Director, Employment and Training, Labour Resources Department, Government of Bihar, Patna in so far as it directs payment of the due salary of the petitioners for the period in reference because once there is no dispute that the District Administration has taken work from the petitioners as per the admission present in the paragraph 11 and 12 of the counter affidavit, the District Administration is under an obligation to make the payment which should be done within three months from the date of receipt/production of a copy of this judgment.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29-08-2018
Transmission Date	NA

