IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6716 of 2011

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1. Randhir Kumar Verma, S/o Late Satyanarayan Prasad Verma, Resident of Mohalla - - Main Road Jehanabad, P.S. - Jehanabad Town, District – Jehanabad
2. Satyavijay, S/o Sri Hari Singh, Resident of Mohalla - - Patel Nagar, Raja Bazar, P.S. - Jehanabad Town, District – Jehanabad
3. Surendra Kumar, aged about 41 years, Son of Sri Tarkeshwar Pandit, Resident of Mohalla - - Shyam Nagar, P.S. - Jehanabad Town, District – Jehanabad
4. Md. Abid Hussain, S/o Md. Arif Hussain, Resident of Mohalla - - Gareria Khandar, P.S. - Jehanabad Town, District – Jehanabad
5. Ajay Kumar
6. Vijay Kumar, Both Son of Sri Arjun Prasad, Resident of Mohalla - - Shastri Nagar, P.S. - Jehanabad Town, District – Jehanabad
7. Md. Zaffar Equebal, S/o Md. Wasimul Haque, Resident of Mohalla - - Makhdumabad, PS. - Jehanabad Town, District – Jehanabad ... ... Petitioner/s

Versus

1. The Chairman, Jehanabad Municipality, Jehanabad
2. The Special Officer, Jehanabad Municipality, Jehanabad
3. The Executive Officer, Jehanabad Municipality, Jehanabad... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Mishra, Sr. Advocate
Mr. Arvind Kumar Jha, Advocate
For the Respondent/s : Mr. Sunil Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

15 28-11-2018 Heard the learned counsel for the petitioners and the State.

The petitioners, (except petitioners no. 4 and 7, who are no longer in the array of parties) who were, at the relevant time, Tax Collectors, had approached this Court for multiple reliefs, namely, their absorption in regular service as also for payment of minimum scale of wages admissible to them. Apart from this, they had staked their claim over 4%

commissionage to which they were entitled over the tax amount collected at their end. The petitioners also had put up a demand for being paid minimum wages for the extra work which had been taken from them and which they had performed to the satisfaction of the Chief Executive Officer, Nagar Parishad, Jehanabad.

However, later, the prayers made by the petitioners, was confined to the payment of minimum wages for the extra work done by them and for the payment of 4% commissionage over the tax amount collected by them.

The last of the affidavits filed on behalf of the respondent/Nagar Parishad indicates and charts out the amount of commission due to the petitioners. A statement has been made in the aforesaid affidavit that such amount is to be paid to the petitioners but only after obtaining necessary approval from the Board of the Nagar Parishad, Jehanabad. However, the affidavit, referred to above, does not at all advert to the other demand of the petitioners, namely, their being paid minimum wages for the extra work taken from them.

Considering that this case was filed in the year 2011 and till date, the grievances of the petitioners have not been redressed, this Court passes the following order:

(1) The amount which has been admitted as 4% commissionage to the petitioners for their having collected tax on behalf of the Parishad be paid to them within a period of eight weeks from the date of production/communication of a copy of this order.

(2) Within this period of eight weeks, if the petitioners make a representation afresh giving the details of the extra work done by them for which they are entitled to be paid with minimum wages, the aforesaid representation shall be disposed off by the Chief Executive Officer within the stipulated period of eight weeks from the date of filing of such an application.

With the aforesaid observation, this writ petition stands disposed off.

skm/-

(Ashutosh Kumar, J)

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