

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1793 of 2015

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Nagendra Nath Jha S/O Late Shree Nandan Jha Resident of vill-
Hatiyagachi, Manashagar, Ward no.32.P.S+Distt.-Saharsa

.... Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, at Patna
3. The Divisional Commissioner, Saharsa Division, Saharsa
4. The District Magistrate, Saharsa
5. The Deputy Development Commissioner, Saharsa

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sameer Ranjan, Advocate
For the Respondent/s : Mr. G.P. Ojha, GA 7
Mr. S. Krishna, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 25-06-2018

Heard learned counsel for the petitioner and the respondent State.

2. The petitioner's case is that after completing full length of government service he retired from the post of Head Clerk in the office of District Development Section, Saharsa on 30.09. 2010. About two years thereafter, by Annexure 1 dated 14.08.2012 bearing memo no. 1196 the petitioner was engaged on contractual basis in the District Development Section for the period of one year. The said term lapsed on 30.09.2013.

3. The petitioner's contractual appointment by Annexure 1 was done by the order of the competent authority being the Collector, Saharsa.



4. It appears that subsequently on 31.01.2014 the petitioner has joined another contractual engagement in the District Rural Development Authority, Saharsa.

5. The period after the petitioner's contractual appointment under order dated 14.08.2012 issued by the Collector, Saharsa (Annexure 1) till his joining in the District Rural Development Authority on contractual basis on 31.01.2014 is the period for which the petitioner is claiming the payment of honorary by submitting that he had continued to work at the District Development Section, Saharsa.

6. The petitioner is not in a position to show any order of the competent authority being the Collector extending his period of contractual appointment beyond 30.09.2013. Merely recommendation had been sent by the District Development Commissioner, Saharsa under Annexure 2 along with a statement showing his presence from 01.10.2013 up till 31.01.2014.

7. Since there is no order of the competent authority in respect of the petitioner's contractual engagement from October, 2013 to January, 2014 on the basis of which the petitioner may sustain his claim/benefits, this Court is of the opinion that the petitioner has no enforceable claim.

8. The writ petitioner is devoid of any merit and is



dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

