

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20156 of 2016

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Rajesh Kumar Singh, son of Late Vijay Bahadur Singh, Resident of Village-
Sirhira, P.S. Chand, District- Kaimur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Kaimur.
2. The District Education Officer, Kaimur.
3. The Block Development Officer cum Secretary, Permanent Shikshak Niyojan Unit, Chand.
4. The Head Master Utkramit Middle School, Bakchara, Block- Chand, District- Kaimur.
5. The District Program Officer, Establishment, Kaimur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey

For the Respondent/s : Mr. RAM BALAK MAHTO-AG

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 12-02-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

This writ application was filed with two advance copies to
the office of the Advocate General on 17.12.2016, but till date,
no counter affidavit has been filed.

Neither any counter affidavit was filed nor the grievance of
the petitioner has been redressed.

Under the aforesaid circumstance, instead of keeping the
matter pending, the writ petition is disposed of with a direction
to the respondent No. 5, District Programme Officer
(Establishment), Kaimur to look into the grievance of the
petitioner with regard to payment of the salary.

The Respondent No. 5, District Programme Officer



(Establishment), Kaimur, shall examine the validity of the appointment and if the appointment of the petitioner is found to be legal and valid there is no justification to deny the salary of the petitioner for the period, the petitioner has worked as taking work and denying payment would amount to violation of Article 23 of the Constitution of India.

Accordingly, Respondent No. 5, District Programme Officer (Establishment), Kaimur, is required to ensure the payment of salary for the period, the petitioner has worked after scrutiny of documents if the Respondent No. 5 is satisfied that appointment of the petitioner is legal and valid. Such decision must be taken by the Respondent No. 5 within a maximum period of 60 days from the date of receipt / production of a copy of this order. In the event of delay in payment beyond the time indicated herein above, the respondent No. 5 is obliged to pay interest at the rate of 9 per cent per annum from the date of the appointment to till date of actual payment in view of the fact that the objective behind compassionate appointment is to provide immediately financial assistance to the family of the employee, who died in harness.

(Anil Kumar Upadhyay, J)

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