

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16126 of 2013

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Adya Sharan Chaudhary Son Of Late Mata Badal Choudhary Resident Of Mohalla
& P.O. - Orijot, District - Basti, Uttar Pradesh

.... **Petitioner**

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Law,
Government Of Bihar
2. The Principal Secretary, Department Of Law, Government Of Bihar, Patna
3. The Bihar State Legal Services Authority, Budh Marg, Patna Through Its
Member Secretary At Budh Marg, Patna
4. The Member Secretary, Bihar State Legal Services Authority, Budh Marg,
Patna
5. The District And Sessions Judge Cum Chairman, District Legal Services
Authority, Kaimur At Bhabhua, Distt. - Kaimur
6. The Sub-Judge I Cum Secretary, District Legal Services Authority, Kaimur At
Bhabhua, Distt - Kaimur

.... **Respondents**

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5, Advocate
For the Respondents : Mr. Md. N. Hoda Khan SC 1 and
Babita Kumari, AC to SC 1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 11-05-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved this writ petition claiming payment of honorarium for having discharged his function as Judicial Member of the Permanent Lok Adalat at Kaimur for the period 7.5.2010 to 17.4.2013 in accordance with section 39 of the Bihar State Legal Services Authority Regulation, 1998 (herein after referred to as 'the Regulation 1998').

3. Specific stand of the respondents Authority in the



counter affidavit is that the petitioner was not a member of the Permanent Lok Adalat inasmuch as respondents deny the establishment of Permanent Lok Adalat at Bhabua in terms of section 22B(i) of the Bihar State Legal Services Authority Act.

4. Learned counsel for the petitioner submits that even if it is not Permanent Lok Adalat, the Lok Adalat at Bhabua, where the petitioner has discharged the function is a “Continuous Lok Adalat” and as such being a retired judicial officer he would be entitled to honorarium equivalent to the last salary drawn by him minus the amount of pension paid to him per month in terms of section 39 of the Regulation, 1998. Section 39 of the Regulation, 1998 is being re-produced herein below:-

“39. Honorarium to Members Lok Adalat-- (1) Every non-Judicial Member of the Bench of Lok Adalat shall be paid an honorarium of Rs. 1000/- (one thousand) only per sitting of the Lok Adalat.

(2) Every member of the Bench of the Permanent and Continuous Lok Adalat, who is a retired Judicial Officer, shall be paid the last salary drawn by such member minus the amount of pension paid to him per month: Provided that in case of the Lok Adalat not being a Permanent & continuous one, such retired Judicial Officer shall only get a consolidated amount of Rs. 1000/- (one thousand) only per Lok Adalat.

(3) A serving Judicial Officer who sits as a Member of the Lok Adalat, whether it is Permanent or otherwise shall not be entitled to any honorarium except the salary and other entitlements befitting his rank.

EXPLANATION.- A 'Non-Judicial Member' means and includes any other Member of the Lok Adalat who is neither a serving Judicial Officer nor a retired Judicial Officer.”

5. Referring to Letter no. 352 dated 18.3.2009 it is



submitted in the first counter affidavit filed on behalf of the respondent Authority that the petitioner's Lok Adalat was to hold sitting for five days in a week provided there will be five fresh cases on every such day.

6. Since, sitting of the Lok Adalat was based upon five fresh cases being available the respondents have rightly resisted the claim of the petitioner and contended that this cannot be even termed as continuous Lok Adalat since five sitting in a week was contingent upon availability of five fresh cases on every such day. In other words, if on a particular day five fresh cases were not available, the Lok Adalat was not required to sit. Thus, relying upon Letter dated 30.6.2014 bearing Letter no. 183 Estt/bslsa/992 issued by the State legal Services Authority it has been contended that the petitioner has neither discharged his function as judicial member of the Permanent Lok Adalat or Continuous Lok Adalat.

7. Respondent Authority further submits that in terms of section 39 of the Regulation, 1998 which provides for payment of honorarium, the petitioner was to be paid Rs.3,50,000/- for 554 sittings and out of that Rs.2,89,000/- has already been paid and for rest Rs.61,000/- the petitioner was requested to submit bill but he has not submitted his bill.

8. If the aforesaid outstanding amount of Rs.61,000/- has



not been paid to the petitioner till date, it would be open to him to approach the Authority for the same.

9. The writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	17.05.2018
Transmission Date	NA

