

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3794 of 2013

=====

Sudha Kumari, D/O Pasupati Safi, Resident of Village + P.O- Dhanauza, P.S-
Benipatti, District- Madhubani

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhubani.
 2. The District Programme Officer (Establishment), Madhubani.
 3. The Block Development Officer, Benipatti (Madhubani)
 4. The Block Education Officer, Benipatti (Madhubani)
 5. The Mukhiya Village Panchayat Samda Panchayat Raj, Benipatti (Madhubani)
 6. The Panchayat Secretary, Village Panchayat Samda Panchayat Raj, Benipatti
(Madhubani)
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Respondent/s : Mr. KUMAR SACHIN GP24

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 31-07-2018

Heard learned counsel for the petitioner and State.

2. The petitioner is aggrieved by the action of the respondents in denying the payment of salary from 01.08.2012 till date.

3. Learned counsel for the petitioner submits that the petitioner has discharged her duty, but she was not paid salary.

4. From the pleading, it does not appear that any order of termination of the service of the petitioner was issued.

5. This writ application has been filed after service of two advance copies on 20.02.2013 to the office of Advocate General. The writ application has remained pending for more than five years, but no counter affidavit has been filed on behalf of the respondents.



6. Learned counsel appearing on behalf of State submits that this writ application was dismissed for default on 02.05.2014 and it was restored vide order dated 06.02.2017 passed in M.J.C. No. 4378 of 2014.

7. Considering the totality of the facts situation and some reluctance on the part of the respondents, the writ application is disposed of with a direction to the District Programme Officer (Establishment), Madhubani to enquiry into the matter and if it is found that the appointment of the petitioner is legal and valid and the petitioner has actually worked for the period she is claiming salary, the District Programme Officer (Establishment), Madhubani shall ensure payment of salary to the petitioner for the period she has actually worked.

8. Final decision in this regard must be taken by the respondent District Programme Officer (Establishment), Madhubani within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	

