

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9960 of 2014

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Chandradeep Mahto son of Late Ganpat Mahto resident of Ward No. 19, Bye Pass Road near J.D.U. office , P.O. + P.S. + District - Madhepura at present posted as Clerk-cum-Typist on Contract Basis, District Rural Development Authority (D.R.D.A.) , Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Principal Secretary, Rural Development Deptt., Govt. of Bihar, Patna.
3. District Magistrate, Madhepura.
4. Deputy Development Commissioner, Madhepura Collectorate, Madhepura.
5. Director, District Rural Development Authority, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shanti Pratap, Advocate
For the Respondent/s	:	Ms. Shilpa Singh, G.A. 12
	:	Mr. Ranjan Kumar, AC to GA-12
For the DRDA	:	Ms. Sunita Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

Date: 29-01-2018

This writ petition under Article 226 of the Constitution of India has been filed by the petitioner for payment of arrears of salary as well as current salary since 01.04.2013 after adjusting amount of Rs. 35,000/- which has been paid to the petitioner.

The father of petitioner was employed on a Class IV post in the office of District Rural Development Authority, Madhepura and he died in harness on 22.10.2005. Petitioner was nominated by his mother for being considered for appointment on



compassionate ground and he submitted required format, but his claim for compassionate appointment was rejected by order dated 25.07.2009.

Thereafter, petitioner filed a writ petition being C.W.J.C. No. 10370 of 2010 which was dismissed. However in LPA being LPA No. 1177 of 2010 there was direction to consider the case of petitioner for appointment on compassionate ground as per scheme and, pursuant thereto, petitioner was appointed on the post of Clerk-cum-Typist vide memo dated 30.03.2013 on contract basis on a consolidated pay of Rs. 8000/- per month and he joined on the said post on 01.04.2013 and was continuously working on the said post but he was not paid salary.

A counter affidavit has been filed on behalf of respondents in which it has been stated that arrears of salary as well as current salary due to petitioner since 01.04.2013 after adjusting the amount of Rs. 35000/- which was taken as an advance by the petitioner has been paid by the respondent authorities. During pendency of writ petition, the services of petitioner has been terminated by order dated 19.12.2016.

It has been submitted by counsel for the DRDA that petitioner has been paid salary for the period from 01.04.2013 to 19.12.2016 the date of his removal as Rs. 8000/- per month.



However a circular has been enclosed in this application wherein it has been stated that the honorarium of such employees has been enhanced from Rs.8000/- to Rs. 15000/- per month which has been made effective from 01.08.2014, as such, petitioner is also entitled for enhanced honorarium of Rs. 15000/- per month for the period from 01.08.2014 till 19.12.2016 when he was removed from the service.

The DRDA is directed to pay the difference of honorarium for the period from 01.08.2014 till 19.12.2016 within three months from production/receipt of copy of this order.

During pendency of this writ petition petitioner has been removed by order dated 19.12.2016. Petitioner is granted liberty to challenge the order of his removal by a separate writ petition.

With such observation and liberty, this writ petition is disposed of.

(S. Kumar, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

