

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13598 of 2014

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Ram Devi Wife of Janardan Paswan Resident of Village and P.O. Dhobauli,
P.S. Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate, Begusarai.
3. District Programme officer, Establishment Education Department, Begusarai.
4. Panchayat Sachiv, Gram Panchayat Raj Dhobauli, District- Begusarai.
5. Head Master, Primary School, Naya Nagar, Bishunpur, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kapil Deo Singh, Advocate
For the Respondent/s : Mr. Raju Giri GP-30

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 02-08-2018 1. Heard learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

2. The grievance of the petitioner is non-payment of salary for the period, he was kept out of employment due to illegal termination. Learned counsel for the petitioner submits that the respondents have subsequently realized their mistake and they have reinstated the petitioner.

3. On behalf of the respondent stand has been taken that petitioner has been granted the benefit of continuity in service, but he was not paid, as he has not worked. In the peculiar circumstance the case when the petitioner was kept out of employment on account of mistake committed by the respondent, the respondents are not justified in denying the



honorarium/ salary to the petitioner.

4. However, considering the period of six years 14 months and 26 days. The Court deem it fit to proper to direct the respondent to pay 50 per cent honorarium/salary for the aforesaid period as the petitioner cannot be made to suffer on account lapse of the respondent. Admittedly in the present case the termination of the petitioner was on account of lapse respondent and as such the petitioner entitled the payment of salary for the aforesaid period but considering the equity of situation, ends of justice shall be met by payment of 50% salary for the period the petitioner illegally kept out of employment.

5. The respondents are directed to issue appropriate order for grant of the aforesaid honorarium/salary within a maximum period of 4 months from the receipt/production of copy of this order.

6. With the aforesaid the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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