

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.37 of 2019

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Trigun Prasad Singh Son of Late Guru Sahay Singh, Resident of Satendra Nagar, Block Road, Police Station and District Aurangabad, Retired Assistant of Revenue Department, Aurangabad, at present worker as contract in Apada Prabandhan Aurangabad.

... .. Petitioner

Versus

1. The State Of Bihar
2. The Chief Secretary, Govt of Bihar, Patna.
3. The District Magistrate, Aurangabad.
4. The Additional Collector, Aurangabad.
5. The Establish Deputy Collector, Aurangabad.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Akhilesh Kumar Sinha
For the Respondent/s : Mr. Dhurendra Kumar, AC to -Gp5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 27-06-2019 Heard learned Counsel for the petitioner and the

learned Counsel for the State.

Petitioner's Counsel submits that the reappointment of the petitioner on contractual basis finally came to an end on 6.7.2017. He submits that from 7.7.2017 to 1.11.2017 respondents continued to take work from him, though the period of contract had elapsed. The claim of the petitioner has been rejected by the respondents under communication dated 22.8.2018 issued by the Establishment Deputy Collector, Aurangabad by assigning a reason that since contract period had elapsed payment could not be made to the petitioner.



Prima facie such a ground, if the respondents have taken work from the petitioner even after the period of contract, would be unsustainable. Records, however, reveal some discrepancy between the claim of the petitioner which is based on Annexure 4 to the writ proceeding. The petitioner has claimed remuneration for the period 7.7.2017 to 1.11.2017. In support of his claim he has relied on Annexure 4 which shows that person in his place was posted on 23.11.2017. However, no claim has been made by the petitioner for the period 1.11.2017 to 23.11.2017.

In the circumstances, this Court would consider it appropriate that respondent No. 3 should take a decision on the claim of the petitioner and if work has been taken, as claimed by the petitioner, then for the fact that the period of contract had elapsed prior thereto cannot be made basis for depriving the petitioner the remuneration for the work discharged by him. How he has been allowed to continue beyond the period is an issue which can separately be looked into by respondent No. 3. The petitioner, however, would be entitled to his remuneration for actual number of days on which he has worked as per records in the office.

The writ petition is disposed of with the aforesaid



observations. If the petitioner is found entitled for any dues it would be paid to him within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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