

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1797 of 2019

Nilima Sahay Wife of Raj Nandan Sahay Lala Colony Opposite adda 2/4 Near
Bhagwat Vidhapith School Ratanpura Chapra, Saran Bihar Presently Posted at
Mahila Prasar Pradhadhikari Baniyapur, Saran

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Rural Development Department, Govt. of Bihar Old Secretariat, Patna
2. The Principal Secretary, Rural Development Department, Govt. of Bihar, Old Secretariat, Patna
3. The Commissioner, Saran Division, Chapra,
4. The District Magistrate Saran at Chapra,
5. The Deputy Development Commissioner Saran Chapra Bihar
6. The Sub Divisional Officer, Saran Chapra
7. The Block Development Officer, Baniyapur, Saran
8. Mr. Sudama Prasad Singh Presently Posted as Block Development Officer, Baniyapur, Saran

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Verma Advocate
For the Respondent/s	:	Mr. Harish Kumar GP-8

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 01-02-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner, who is working as Female Extension Officer, is aggrieved by the order passed by the Block Development Officer, Baniyapur, Saran, withholding her salary till the time she furnished her explanation regarding her bad behaviour at the time of a Swachhata rally and which order has been affirmed and sustained by the Deputy



Development Commissioner, Saran, Chapra.

Learned counsel for the petitioner has submitted that she has been targeted by the Block Development Officer, Baniyapur, Saran by assigning to her the work which she was not under an obligation to perform. Despite this, even the best effort of the petitioner was ignored and she was alleged to have misbehaved with the Block Development Officer, which, on the face of it, is a wrong allegation.

In any view of the matter, learned counsel for the petitioner submits that even if the allegations raised by the Block Development Officer was correct, he was only authorized to refer the matter to the superior officer and could not have passed an order of withholding the salary of the petitioner till the time explanation in that regard was furnished by the petitioner. In fact, the Block Development Officer, it has been urged, did not have the authority to seek any explanation from the petitioner. All that the Block Development Officer could have done was to make a complaint with the Deputy Development Commissioner, Saran for the needful.



Learned counsel for the petitioner has further submitted that the Deputy Development Commissioner, Saran without seeking any response from the petitioner has only ratified the order of the Block Development Officer and has directed that no pay shall be given to the petitioner till the time her representation or show-cause reply is disposed off. Surprisingly, till 19.09.2018 i.e. till the time the salary was directed to be withheld, the decision over her show-cause reply was not taken and till date, the petitioner is not being paid her salary. This is, as urged by the petitioner, a wrong and colourable exercise of power of the executive.

From the records, it appears that the petitioner has already furnished her show-cause reply before the Deputy Development Commissioner, Saran, Chapra, which is pending consideration.

This Court directs the Deputy Development Commissioner, Saran, Chapra (Respondent No. 5) to take a decision immediately on the show-cause reply given by the petitioner. The Deputy Development Commissioner, Saran, Chapra shall also look into the grievances of the petitioner of



her being targeted by the Block Development Officer during the course of her duty. The DDC, Saran shall also take into account the fact that there has been a complaint pending consideration against the Block Development Officer. The decision shall be taken by the Deputy Development Commissioner, Saran, Chapra (Respondent No. 5) within a period of four weeks from the date of production/communication of a copy of this order. Needless to state that while disposing off the representation, the DDC, Saran shall also take into account the response of the Block Development Officer.

With the aforesaid observation / direction, this writ petition stands disposed off.

(Ashutosh Kumar, J)

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