

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8384 of 2015

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Kumar Vishoka Nand son of Shri Upendra Narain Resident of Village Jibachhpur Panchayat Jibachhpur, P.s Gamaharia, District Madhepura at present Nyamitra in Gram Kachahri Ghailarh P.s Ghailarh, District Madhepura.

... .. Petitioner

Versus

1. The State Of Bihar through Secretary, Panchayat Raj Department Govt. of Bihar Patna
2. The District Magistrate, Madhepura,
3. The District panchayat Raj officer, Madhepura.
4. The Block Development Officer, Ghailarh, Distt. Madhepura.
5. The Panchayat Secretary Ghailarh Panchayat Block Ghailarh Distt. Madhepura. .
6. The Surpanch Gram Kachahari Ghailarh Post Block Ghailarh Dist. Madhepura.
7. The Ex-Sarpanch Gram Kachahari Ghailarh Ps and Block ghailarh Dist Madhepura.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. K. Vishoka Nand Ms. Rajani Kumari
For the Respondent/s	:	Mr. K.K.Singh, AC to SC 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 04-09-2019 Heard the petitioner and the learned Counsel for the respondent State.

The petitioner has appeared in person. He submits that having discharged functions of “Nyay Mira” in the Gram Kutchery, Ghailarh in the Ghailarh block under district Gopalganj, he has been denied remuneration for the services rendered by him.

The authorities in response to the claims made in the writ petition have paid the due amount of the petitioner for the period



April 2010 to July 2010. For August 2010 to March 2011 they have taken a stand that proceeding book of the Gram Kutchery does not record presence of the petitioner on the dates falling under this period and therefore the petitioner cannot claim any remuneration for the said period.

Petitioner has placed reliance on details of attendance submitted by the earlier Sarpanch (page 5 of Annexure 1 series). It is his submission that as per Bihar Gram Kurchery Nyay Mitra (Niyojan, Sewasart and Kartabya) Niyamawali 2007 (hereinafter referred to "2007 Rules) payment has to be made upon report/details in respect of absence of the Nyay Mitra,

It has rightly been pointed out by the State Counsel that the alleged report on which the petitioner is placing reliance does not contain any date. It is also a fact that report is alleged to have been submitted by earlier Sarpanch, remuneration however has to be paid during tenure of the subsequent Sarpanch. In the absence of any date on the attendance details there is no basis for this Court to arrive at a conclusion that the same is a contemporaneous report issued during the tenure of the earlier Sarpanch. This gives rise to a disputed issue of fact.

On going through the provisions contained in 2007 Rules as well as the letter dated 12.1.2009 issued by Panchayat Raj Department it is apparent that such issues are to be resolved with reference to evidence/material.



The petitioner should place before the District Magistrate Madhepura an affidavit in support of the attendance details said to be issued by the earlier Sarpanch in support of the attendance report and details contained therein. On submission of such material in support of petitioner's claim the District Magistrate would verify the same and reconsider the order impugned in the instant proceeding i.e. letter dated 15.12.2014 and if any dues are found admissible the same be paid to the petitioner. This exercise would be undertaken by the District Magistrate if the petitioner produces such materials in support of his claim before the District Magistrate within two weeks from today. The District Magistrate shall examine the issues and pass orders thereupon along with payment of admissible dues within a period of four weeks thereafter.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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