

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14089 of 2014

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Shashi Bhuhan Prasad son of Ram Chandra Prasad resident of village -
Tirhutiya Tola, P.S. Chanpatia, District - West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, West Champaran, Bettiah.
3. The District Panchayat Raj Officer, West Champaran, Bettiah.
4. The Block Development Officer, Chanpatia Block, West Champaran.
5. The Sarpanch, Ranipur Rampurwa Gram Cutcherry, Chanpatia Block,
District - West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Aditya Abhishek
For the Respondent/s : Mr.Mujtabul Haque, GP 12
Mr. Manish Kumar, Ac to GP12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-08-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner has filed writ petition claiming honorarium
for 27 months which he contends are due. Petitioner claims to
have been working as Kutchery Sachiv in Ranipur Rampurwa
Gram Cutchery at Chanpatia Block in the district of West
Champaran.

State counsel submits that another writ petition has
also been filed by the petitioner wherein his termination dated
22.07.2014 is under challenge. Due to mistake, counter affidavit
of other case has been filed in this case on account of similarity



in the name of the petitioner.

Even if petitioner has been terminated on 22.07.2014 then the authority would not be justified in denying the petitioner's honorarium for the period during which he had actually discharged his duty/function.

It appears from the order dated 29.01.2014 that respondent no.3 had sent written communication to Sarpanch highlighting the claim of the petitioner's honorarium. Respondent no.3 had asked Sarpanch to make available detail within three days so that petitioner's claim could be dealt with and intimation be sent to the District Magistrate in this regard.

In view of said communication, this court would observe that issue regarding admissibility in respect of petitioner's claim of honorarium for the last 27 months was to be considered by the authority having regard to the actual number of days of which petitioner has performed his duty/function. Such termination does not require any adjudication as such the instant proceedings need not be kept pending.

District Magistrate should examine the claim of the petitioner with reference to the record; and based on the number of days the petitioner has performed his duty/ function, payment should be made to the petitioner, if there is no other legal



impediment in granting the same.

In the circumstance, petitioner would be at liberty to submit a detailed claim before District Magistrate, West Champaran, Bettiah (respondent no. 2) within four weeks. If the same is submitted, respondent no. 2 should proceed and dispose of the same by reasoned and speaking order and pay admissible dues along with details of calculation to the petitioner within a period of three months from the date of submission of the claim by the petitioner.

Writ petition stands disposed of with the aforesaid liberty.

(Madhuresh Prasad, J)

s.hassan/-

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