

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2446 of 2012

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Pawan Kumar Verma, Son of Late Nawal Kishore Sahay Presently Residing
At Bhikhanpur Gumti No 1, P.S. Ishakchak, District – Bhagalpur, Presently
Posted As Head Clerk-Cum-Accountant of Zila Parishad, Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Panchayat Raj Department, Bihar, Patna
3. The Zila Parishad , Bhagalpur, through its Chief Executive Officer
4. The Chairman, Zila Parishad, Bhagalpur
5. The Chief Executive Officer, Zila Parishad, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Shrinandan Pd Singh, Naresh Nandan, Advs
For the Respondent/s : Mr Md Harun Qureshi, AC to SC I

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 04-11-2019 Heard learned counsel for the petitioner and the
respondent-State.

Learned counsel for the petitioner submits that in the instant proceedings, the claim of the petitioner is now confined to grant of benefits for the period between 02.08.2004 to 31.03.2011, i e, the period when the petitioner discharged the duties of Head Clerk -cum- Accountant in the respondent-Zila Parishad. It is submitted that having discharged duties for the higher post, the petitioner was entitled to additional pay for the duties discharged on the higher post.

Whether the Service Rules and Conditions of Service



prevalent in the Zila Parishad allow for such additional pay, or whether the Zila Parishad has adopted the provisions of the Bihar Service Code so as to attract Rule 103 thereof, are issues which are not dealt with in the instant proceedings. Further, the petitioner has also never approached the Authorities in respect of the claim.

In view thereof, there is no occasion for this Court to either issue a direction in respect of the claim for the emoluments for the higher post, additional pay or to presume that the respondent-Authorities have not given the dues to the petitioner, when the petitioner himself has never approached the Authorities for the said relief.

Learned counsel for the petitioner, being faced with such difficulty, submits that he would approach respondent No 4 for the relief for additional pay for the period 02.08.2004 to 31.03.2011 in terms of the submissions, recorded hereinabove.

If the petitioner approaches respondent No 4 within a period of four weeks from today, respondent No 4 should consider the claim of the petitioner and dispose it of by reasoned and speaking order in accordance with law within a period of three months thereafter.

If dues are found payable, the same shall also be paid



during the aforesaid period.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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