

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.791 of 2017

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Ram Kewal Sharma Son of late Sidhi Singh Resident of Village-
Sahbajpur,P.S. Ghosi, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Panchayati Raj, New Secretariat, Vikas Bhawan, Bailey Road, Patna.
2. Zila Parishad , Jehanabad through the Chairman of the Said Zila Parishad, Jehanabad.
3. Deputy Development Commissioner-cum-Chief Executive Officer, Zila Parishad, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kishore Kumar Thakur, Adv Mr. Kumar Chandra Shekhar, Adv
For the State	:	Mr. Vijay Bharti, AC to SC-7

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 08-01-2019

The petitioner, who is retired employee of *Zila Parishad*, Jehanabad has prayed for being paid for the work that he had done towards his contractual employment for the period 01.10.2013 to 28.02.2014 which is not being paid to him on the ground that his engagement on contract basis was *de-horse* the rules as he has attained more than 65 years of age at that time.

2. Mr. Kishore Kumar Thakur, learned counsel for the petitioner has intimated to this Court that after his retirement, the Executive Committee of the *Zila Parishad*,



Jehanabad found that it was necessary to maintain and update the asset register. For the aforesaid purpose, a suggestion was given that persons in know-of the property of *Zila Parishad* be employed, even on contractual terms for a period of five to six months so that the work could be taken from them for updation of the records.

3. It has been submitted on behalf of the petitioner that earlier also, because of the petitioner having been engaged on a contractual basis on a monthly payment of Rs. 5000/- had to come to this Court for payment of the salary.

4. Though the writ petition which was filed by the petitioner was dismissed but the learned counsel for the State has informed this Court and which fact has not been disputed by the learned counsel for the petitioner that for the first period of contractual appointment, the petitioner has been paid his salary at the rate of Rs. 5000/- per month.

5. It is only with respect to the second extention which was given to the petitioner for the aforesaid period that the payment is being denied.

6. The reason for such denial is obviously the breach



of the administrative rule that nobody above the age of 65, even in emergent situation, would be employed on contractual basis.

7. Be that as it may, learned counsel for the petitioner has shown from the records of this case that his further extension from the period of 01.10.2013 to 28.02.2014 was approved by the Chief Executive Officer and pursuant to such approval, work was taken from the petitioner.

8. If at all work has been taken from the petitioner for the period 01.10.2013 to 28.02.2014, it has been argued, the petitioner must be paid for the same.

9. The learned counsel appearing for the *Zila Parishad*, however has submitted that even for the first contractual period, the work of the petitioner was not satisfactory as he had not submitted any report.

10. Be that as it may, in view of the categorical statement made by the petitioner that he has worked from 01.10.2013 to 28.02.2014, he is permitted to represent before the Deputy Development Commissioner-cum-Chief



Executive Officer, *Zila Parishad*, Jehanabad(respondent No. 3) within a period of four weeks from today for payment of the salary at the rate of Rs. 6000/- per month. If respondent No. 3, on such representation and on checking up of the records, finds that work was taken from the petitioner during that period, he would ensure that the petitioner is paid for the same. If the records do not subscribe to the submissions made on behalf of the petitioner, it is needless to state that no order of payment shall be made by the respondent No. 3.

11. The aforesaid order shall be passed within three weeks of receipt of the representation along with a copy of this order by the respondent No. 3.

12. With the aforesaid observation and direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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