

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12225 of 2019

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Nirupam Nath, aged about 58 years, male, Son of Dr. (Lt.) R.M. Nath, R/o
10/1 Netaji Nagar Colony, N.S.C. Bose Road, Jadavpur, 98 Ward, Regent
Park, P.S.-Netaji Nagar, Kolkata, West Bengal, Pin Code 700 040.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary, Public Health Engineering Department (P.H.E.D.),
Government of Bihar, Patna.
3. The Engineer-in-Chief, Public Health Engineering Department (P.H.E.D.),
Government of Bihar, Patna.
4. The Chief Engineer (Urban), Public Health Engineering Department
(P.H.E.D.), Government of Bihar, Patna.
5. The Administrative Officer, Bihar State Water Sanitation Mission, Public
Health Engineering Department (P.H.E.D.), Government of Bihar, Patna.
6. The Director, Water and Sanitation Support Organization, Public Health
Engineering Department (P.H.E.D.), Government of Bihar, Patna.
7. The Director, Project Management Unit, Public Health Engineering
Department (P.H.E.D.), Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Adv.

For the Respondent/s : Mr. Bisambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 25-06-2019

Heard Mr. Gopal Govind Mishra, the learned

Advocate for the petitioner and Mr. Bisambhar Prasad,



learned AC to learned AAG-5.

2. The petitioner has approached this Court for a direction to the respondent authorities to make available to him the remuneration for the period that he has worked as Water Quality Consultant in Public Health Engineering Department, Govt. of Bihar, Patna, *i.e.*, from April 2018 to April 2019.

3. From the records annexed with the writ petition, it appears that the petitioner rendered his services in the Department on contractual basis, which contract ended sometimes in March, 2017. However, several times, extension was granted to the petitioner and by virtue of such extension, the petitioner rendered his services and was paid for it as well. Later, after the termination of the contract on 31st March, 2018, the petitioner continued to work/render his services on the verbal orders given by the Engineer-in-Chief-Cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna. The petitioner has not been paid for the work which he has rendered from 31st March till April, 2019.



4. The plea of the State is that the petitioner rendered his services only on the verbal orders of the Engineer-in-Chief and there is no record of the petitioner having rendered his services as a Water Quality Consultant.

5. If a contractual employee, after the contract is over, is asked by the Head of the Department to render services, it is only a grace shown by such an employee that he follows such direction. If it is found that the petitioner has worked on the orders of the Engineer-in-Chief of Public Health Engineering Department, it would not be appropriate not to pay remuneration for the work which he has rendered. This aspect of the matter has to be verified before any decision with respect to the payment is made.

6. The representation filed by the petitioner before the Secretary, Public Health Engineering Department Govt. of Bihar, Patna on 29.04.2019 has not yet been responded.

7. Under the aforesaid circumstances, this Court deems it appropriate to direct the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna (respondent



No. 2) to look into the matter, verify the facts and ascertain whether the petitioner has served as a Water Quality Consultant in the Department for the period that he is seeking his remuneration and if it is found that he has served the Department even after the period of contract was over, a decision shall be taken by respondent No. 2 for providing him the remuneration for the period that he was worked.

8. The representation of the petitioner, referred to above, ought to be disposed of by a reasoned order within a period of six weeks from the date of receipt/production of a fresh representation before respondent No. 2, enclosing a copy of this order.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	27.06.2019
Transmission Date	N/A

