

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12561 of 2019

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Ram Pravesh Mishra Son of Nand Kishore Mishra R/o Village-Kaithisiro,
P.S.-Goh, District-Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna
2. The Commissioner Magadh Pramandal, Gaya
3. The District Magistrate Aurangabad
4. The District Planning Officer Aurangabad
5. The District Establishment Deputy Collector, Aurangabad
6. The Secretary Planning and Development Department, Govt. of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sharma
For the Respondent/s : Mr. Harish Kumar (GP8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 27-06-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner, after his superannuation from the post of Clerk from the office of District Cooperative Officer, Rohtas at Sasaram was engaged as a contractual Clerk in the District Planing Office, Aurangabad. The contract with the petitioner was for a period extending from 01.01.2017 to 31.12.2018. Thereafter, it was further extended till 31.12.2019.

The appointment of the petitioner on contractual



basis and the extension of the contract was in accordance with government resolution dated 10.07.2015. Only because the petitioner had not been paid his stipend/subsistence allowance / remuneration for about 26 months, a request was made by him to make available to him his monthly remuneration. When the remuneration was not paid, the petitioner approached the District Grievance Redressal Cell, Aurangabad, where it was found that the claim of the petitioner was absolutely justified. Piqued by the aforesaid act of the petitioner, his contract has been terminated before the end of the tenure by order dated 29.04.2019.

The aforesaid order is under challenge.

The order merely states that the petitioner was liable to be paid from District establishment head 2053-093. Thereafter, it has been stated in the order that pursuant to a noting made in File No. VII-1/17, the contract of the petitioner is terminated. By the aforesaid order, the petitioner has also been directed to hand over all the documents, of which he is in possession of, to the District Project Assistant.



A representation / appeal was preferred by the petitioner before the District Magistrate, Aurangabad against such order, raising the issue that such termination order has been passed only on the petitioner asking for his remuneration and approaching the District Public Grievance Cell for the needful. It was, therefore, urged before the District Magistrate, Aurangabad that the order of termination of contract was absolutely unjustified, vindictive and not in accordance with the manner and reason in which any contract ought to have been terminated.

The aforesaid appeal / representation of the petitioner has not yet been responded to by the District Magistrate, Aurangabad.

Apparently, there does not seem to be any reason except for the petitioner making a clamour for payment of remuneration for the period that he has worked. This definitely cannot be a ground for termination of the contract before the due date; more so when two extensions have been given to the petitioner and there was no complaint against him.



Under the aforesaid circumstances, this Court directs the petitioner to prefer a fresh representation before the District Magistrate, Aurangabad (Respondent No. 3) within a period of four weeks, enclosing a copy of this order, who, on receipt of the same, shall pass a reasoned order in accordance with law within a further period of four weeks thereafter. The District Magistrate shall also take into account that there has to be a reason for terminating the contract and merely because a personal right has been exercised by the petitioner, that ought not be a ground for terminating the contract as it would not be in tune with the employment policy of the State of Bihar. The District Magistrate shall also consider the grant of payment of the remuneration to the petitioner for the period he has worked.

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

(Ashutosh Kumar, J)

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