

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12420 of 2019

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Vijay Kumar Chandrabanshi @ Vijay, aged about 30 years, male, S/o- Late Bindeshwar Prasad Chandrabansh @ Late Bindeshwar Prasad Chandrabanshi, R/o Mohalla- Veer Kunwar Singh Nagar, New Area, P.S.- Aurangabad town, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Social Welfare, Government of Bihar, Patna.
2. The Joint Secretary, SC/ST Welfare Department Bihar, Patna.
3. The Director, Social Welfare Department, Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Director, SC/ST Welfare Department, Government of Bihar, Patna.
6. The District Welfare Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

For the Respondent/s : Mr. Gyan Prakash Ojha (GA7)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 26-06-2019

The petitioner is aggrieved by the decision of the District Welfare Officer, Aurangabad, whereby he has been treated as a daily wage worker and has been directed to be paid at the rate of Rs. 4,000/- per month.



2. The petitioner's services were taken by the Department as Computer Operator and because of his efficient functioning as Computer Operation, the work of Office Assistant was being taken from him for several years. Though the petitioner joined the service on purely contractual basis on 4,000/- rupees per month stipend, but it came be increased to Rs. 11,345/-. Later, an objection was raised that since the name of the petitioner did not find place in the panel from which such appointments/contractual appointments could be made and, therefore, there could not have been any hike in the monthly stipend of such persons including the petitioner. With this objection in mind, the file was sent before the District Magistrate, Aurangabad, who directed for payment of only Rs. 4,000/- per month to the petitioner. Hence, the District Welfare Officer, Aurangabad by the order impugned has directed for payment of Rs. 4,000/- per month to the petitioner.

3. Mr. Ravindra Kumar, the learned Advocate for the petitioner has submitted that though the name of the petitioner did not find place in the panel prepared for



inducting such persons on contractual basis; nonetheless the petitioner had joined the service as Computer Operator and because of his efficient handling of the work allotted to him, he was made to officiate as Office Assistant. The monthly stipend of the petitioner was increased and till the order of the District Welfare Officer, Aurangabad to pay him only Rs. 4,000/- was passed, the petitioner was getting an amount of Rs. 11,345/- as monthly stipend.

4. Mr. Kumar, the learned Advocate, submits that without any plausible reason, the monthly stipend could not have been slashed down to one third or to that of a daily-wager. There has not been any appointment from the aforesaid panel.

5. A representation has also been made by the petitioner before the District Welfare Officer, Aurangabad, but to no avail.

6. The petitioner, under the aforesaid circumstances, is directed to make a representation before the District Magistrate, Aurangabad within a period of four weeks from today, ventilating his grievances and seeking



restoration of the earlier monthly stipend to him, which representation shall be disposed off by the District Magistrate, Aurangabad by a reasoned order in accordance with law within a further period of six weeks thereafter.

7. 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	28.06.2019
Transmission Date	N/A

