

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15476 of 2019

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Md. Mahbub Alam @ Md. Mahboob Alam Son of Md. Yahya, Resident of village- Olipur (Fatehnagar), Police Station- Manihari, District- Katihar, Presently working as Panchayat Teacher at Primary School, Sahjana under Gram Panchayat Raj Chouni, Block- Kadwa, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development Department (Primary Education) Government of Bihar, patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The District Magistrate, Katihar.
4. The District Education Officer, Katihar.
5. The District Programme Officer (Establishment) Education Department, Katihar.
6. The Block Education Officer, Kadwa Block Katihar.
7. The Panchayat Secretary, Gram Panchayati Raj, Chouni under Kadwa Block, District- Katihar.
8. The Mukhiya, Gram Panchayat Raj, Chouni under Kadwa Block, District- Katihar.
9. The Headmaster, Primary School, Sahjana under Kadwa Block District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dharendra Kumar Jha, Adv.
For the Respondent/s	:	Mr. Prabhakar Jha, GP-27
For the State	:	Mr. Umesh Narayan Dubey, AC to GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non payment of arrears of salary for the period 21.08.2010 to 15.02.2013 and 16.02.2013 to 30.05.2018. Petitioner claims that he has worked for the period 21.08.2010



to 15.02.2013 as Panchayat Teacher but he was not paid salary, later on he was removed on 16.02.2013 and petitioner was kept out job upto 30.05.2018.

The order of termination was finally held to be bad and the Division Bench of this Court has allowed the LPA filed by the petitioner being LPA No. 1463 of 2012 vide order dated 20.08.2015 and thereafter, the petitioner was reinstated.

Learned counsel for the petitioner submits that for the period of 21.08.2010 to 15.02.2013 the respondents are under obligation to ensure payment of salary to the petitioner as petitioner has actually worked for the aforesaid period so far as the period of 16.02.2013 to 30.05.2018 is concerned, the petitioner is entitled for the aforesaid period also as he was kept out of job due to illegal and arbitrary acts of the respondents.

Considering the aforesaid submission, the writ petition is disposed of with a direction to the respondents to ensure payment of salary for the period 21.08.2010 to 15.02.2013 within a period of 60 days from the date of receipt/production of copy of this order, so far as the salary for the period of 16.02.2013 to 30.05.2018 is concerned, though the petitioner was kept out employment on a extraneous and illegal consideration and the decision of termination was set aside by



the Appellate Court in LPA No. 1463 of 2012 and thereafter, petitioner has been reinstated, the Court directs the respondents to pay 75% of the salary for the aforesaid period of 16.02.2013 to 30.05.2018 as no work no pay is not attracted in the situation when illegally the petitioner was kept out of job. This course has been adopted by this Court having regard to the competing interest of the petitioner and the State exchequer.

Necessary decision in this regard with all consequential benefits as indicated above must be taken by the respondents within a maximum period of 60 days from the date of receipt/production of a copy of this order

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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