

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.894 of 2019

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Indra Kumar Yadav Son of late Gulo Yadav Resident of Village- Pakrail, P.S. Maheshkhunt, District- Khagaria.

... .. Petitioner/s

Versus

1. The State Of Bihar (and Ors) through the Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna.
3. The Director, Panchayati Raj Department, Govt. of Bihar, Patna.
4. The District Magistrate, Khagaria.
5. The District Panchayati Raj Officer, Khagaria.
6. The Block Development Officer, Block- Parbatta, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-06-2019 Heard learned counsel for the petitioner. No one appears for the State.

The grievance of the petitioner is that he has represented before the District Magistrate, Khagaria for a direction to the concerned authorities to take over the charge of materials of the gram panchayat Bandehara, but the District Magistrate, Khagaria has vide memo no.609 dated 26.09.2017 informed the petitioner that charges of materials may be handed over by the order of the concerned court as the FIR has been lodged in the matter. Learned counsel for the petitioner submits that the information given to the petitioner by the District



Panchayat Raj Officer, Khagaria as contained in Annexure-2 is without application of mind inasmuch as it is difficult to understand as to how a court of law will be entering into the sphere of handing over of charge in service matters. It is submitted that on 04.10.2018 the petitioner had filed an application in the court below also for passing an order and directing the Panchayat Secretary of the gram panchayat, Bandehara to take charge of the materials which is still pending.

Learned counsel further submits that although the petitioner is ready to hand over the charge to the respondents but the respondents are ignoring the same and on this ground alone the salary of the petitioner has been stopped since long which is totally unjustified in law. The writ application also informs that the petitioner has been transferred and posted in Chautham Block of Khagaria district. Learned counsel for the petitioner submits that the petitioner has already joined at Chautham Block, but he is not getting even the current salary.

No one appears on behalf of the State to represent, however, in the given facts and circumstances of the case, the writ application is being disposed off with a direction to the District Magistrate, Khagaria to consider the grievance of the petitioner, arrange for the receipt of the materials and the charge



which the petitioner would hand over to the competent person as per direction of the District Magistrate, Khagaria. The District Magistrate shall also consider the grievance of the petitioner with respect to non-payment of his salary, arrears as well as current and shall ensure that the admitted amount of salary must be paid to the petitioner within 30 days from the date of receipt/production of a copy of this order. If any part of the salary for any period is denied to the petitioner, a reasoned order shall be passed within the aforesaid period which will be subject to challenge at the instance of the petitioner as may be advised.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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