

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6576 of 2017

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- 1 Most. Vidya Devi, W/o late Jitendra Kumar Jha, R/o Village- Silout, Post Pokharaira, P.S. and District- Samastipur.
 - 2 Rajesh Kumar, Son of late Jitendra Kumar Jha, R/o Village- Silout, Post Pokharaira, P.S. and District- Samastipur.
 - 3 Raj Kumar S/o Late Jitendra Kumar Jha, R/o Village- Silout, Post Pokharaira, P.S. and District- Samastipur.
 - 4 Suraj Kumar, Son of late Jitendra Kumar Jha, R/o Village- Silout, Post Pokharaira, P.S. and District- Samastipur.
 - 5 Smt. Arti Devi, D/o late Jitendra Kumar Jha and W/o Sri Ajay Kumar Jha, R/o Purnia East, Post- Khushibagh, P.S. Purnia East, Distt. Purnia.
 - 6 Smt. Rani Thakur, D/o late Jitendra Kumar Jha, W/o Sri Sushil Chandra Thakur, R/o At - Begambari, Post and P.S. Kasba, Distt. Purnia.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Agriculture Production Commissioner, Department of Agriculture, Govt. of Bihar, Patna.
2. The Agriculture Production Commissioner, Department of Agriculture, New Secretariat, Bihar, Patna.
3. The Administrator, Bihar State Agriculture Marketing Board (Dissolved) Pant Bhawan, Bailey Road, Patna
4. The Sub-Divisional Officer, Purnea Cum Special Officer, Agriculture Produce Market Committee, Kaswa, District Purnea
5. The Assistant Agronomist, Adoptive Research Centre, Manigachi, Darbhanga.
6. The Joint Director agriculture, Mithapur, Patna.
7. The District Agriculture Officer, Mithapur, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate
For the State : Mr. Ashok Kumar Pathak, AC to GP-21

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 10-11-2020

Heard learned counsel for the petitioners and learned
counsel for the respondents through video conference.



2. The following reliefs as formulated by the petitioners have been claimed in the writ petition--

“(i) For issuance of an appropriate writ or writs, order or orders, direction or directions in the nature of mandamus to pay retirement benefits i.e. ‘Sevant Labh’ for the period of service render in the erstwhile Board prior to 1.9.2008 i.e. from 14.10.1978 to 1.9.2008 and Group Insurance, Gratuity, earn leave, C.P.F. etc. to the petitioner, which has been withheld due to pendency of criminal case i.e. Kasba P.S. Case No. 173 of 2004, District-Purnea.

(ii) For a direction to the respondents to sanction the leave from 25.8.2003 to 31.12.2003 and from 1.8.2004 to 21.12.2004 and pay salary for the said leave period.

(iii) For a direction to the respondents to provide pay protection along with arrears from 2.9.2008 till date.

(iv) And for the other necessary relief or reliefs for which the petitioner is entitled to in accordance with law.”

3. Learned counsel for the petitioners fairly accepts that most payments have been made during the pendency of the writ petition, save and except as stated in paragraphs 4, 5 and 6 of the rejoinder. It is submitted that the prayer for pay protection is



already covered by the decision of the three-man committee, but the same has yet to be paid.

4. Learned counsel for the State appears and has been heard.

5. Having regard to the nature of the remaining grievances of the petitioners, the writ petition is disposed of, granting liberty to file an appropriate representation before the concerned authority for redressal of the remaining grievances. If any such representation is filed within a period of two weeks from today, the same shall be disposed of within a further period of twelve weeks thereafter on its own merits in accordance with law after grant of an opportunity of hearing to the petitioners. Payment to the extent found due to the petitioners upon determination shall be made without delay. In case the petitioners' claim is found inadmissible, whether in whole or in part, the petitioners' representation shall be disposed of by a speaking order in that regard.

6. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioners shall be at liberty to request the concerned authority for hearing through video conference. For this purpose, the petitioners shall furnish their



mobile numbers and e-mail ID to the concerned authority in the representation permitted to be filed as aforesaid.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11.11.2020
Transmission Date	N/A

