

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.629 of 2020

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Ram Rijhan Prasad Sah, S/o Late Ram Autar Prasad Sah, Resident of
Mohalla- Lahari Patti, Old Exchange Road, Shankr Chowk, District-
Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Agriculture Department of Bihar, Patna.
2. The Director, Agriculture, Govt. of Bihar, Patna.
3. The Senior Incharge Officer, National Agriculture Development Project, Bihar, Patna.
4. The District Agriculture Officer, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kapil Deo Singh, Advocate
For the Respondent/s : Mr.Awanish Nandan Sinha, GP21

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

10 29-11-2022 Heard learned counsel for the petitioner as well as

learned counsel for the State.

2. The petitioner has assailed the order dated
30.09.2019 passed by the Director, Agriculture, rejecting the
petitioner's claim for honorarium at the rate of Rs.20,000/- per
month for the period June, 2014 to November, 2014.

3. The brief background is that for implementation
of the National Agriculture Development Scheme, the petitioner
was contractually engaged as a 'Financial Consultant' under an
order dated 23.02.2012. The petitioner's period of contract
lapsed on 01.03.2014. It is his case that Authorities have



continued to take work from the petitioner up till November, 2014 and, therefore, he cannot be deprived of his payments for the said period.

4. During the hearing on an earlier date in the instant proceedings, this Court had made a specific query to learned counsel for the State as to how the petitioner has been continued even beyond the period of contract.

5. Learned counsel for the State has filed a third supplementary counter affidavit, wherein it has been stated that the Director, Agriculture, under letter dated 16.11.2022, has served charge memo against both the officers responsible for petitioner's continuance.

6. The issue, therefore, is whether petitioner is to be paid for this period or not. The claim has been rejected by the impugned order by recording a finding that after it was discovered that the petitioner was continuing beyond his period of contract, under communication dated 13.08.2019, the Agriculture Directorate asked the petitioner to appear on 19.08.2019 along with proof of his date of birth, so that the Authorities could determine what was the date of petitioner's retirement. Since the petitioner has not produced any proof of his date of birth, the Authorities have concluded that the



petitioner has committed a fraud, and since fraud vitiates everything, the petitioner cannot be paid any honorarium for the period in question.

7. Having considered the rival submissions, this Court would find that the fact that the petitioner has actually worked between June, 2014 to November, 2014 is concluded, as per order dated 02.04.2019 passed on the petitioner's earlier writ petition bearing *C.W.J.C. No. 6636 of 2015*, wherein this Court has recorded as follows:-

“In the circumstance, however, one fact is evident that in between June, 2014 to November 2014, the petitioner has actually worked.”

8. The said finding is binding *inter partes*, as neither of the parties have assailed the order. The Authorities, therefore, now cannot be permitted to rely upon an alleged fraud, that too without establishing fraud in accordance with law, in any proceedings in an appropriate forum/process. The order dated 30.09.2019, per se insofar as it concludes a fraud having been committed by the petitioner, is clearly unsustainable.

9. The position regarding the petitioner's discharge



of duties between June, 2014 to November, 2014 being admitted, the writ petition is allowed with a direction upon the Respondent No.2 (The Director, Agriculture) to ensure payment to the petitioner for the said period, in accordance with law, within eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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