

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22391 of 2018

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1. Kiran Devi and Anr Wife of Sri Anant Kumar Resident of Village Sikandarpur, P.S. G.B. Nagar, Anchal Barharia, District- Siwan.
 2. Sheikh Taj Mohammad Son of late Abdul Rahman Resident of Village Dumari, P.S. G.B. Nagar, Anchal Barharia, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Siwan.
3. The District Panchayati Raj Officer, Siwan.
4. The Block Development Officer, Barharia, District- Siwan.
5. The Sarpanch, Gram Kachahari Sikandarpur, Anchalf Barharia, District- Siwan.
6. The UP-Sarpanch, Gram Kachahari Sikandarpur, Anchalf Barharia, District- Siwan.
7. The Secretary, Gram Kachahari Sikandarpur, Anchalf Barharia, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Prasad
For the Respondent/s	:	Mr. Kumar Alok, SC-7
		Mr. Prem Ranjan Ray, AC to SC-7

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-05-2023 Heard learned counsel for the petitioners and learned counsel for the State.

The learned counsel for the petitioners submits that the present writ application has been filed seeking a direction upon the Respondent No. 4 to 7 to pay the remuneration of the petitioners in light of Letter No. 584 dated 27.06.2017 issued by the District Panchayati Raj Officer, Siwan for allotment of fund of elected members of Gram Kachahari in the year 2013 to



26.06.2016.

The learned counsel for the petitioners submits that petitioners would be satisfied, in the event, if the writ application is disposed of with a direction to the District Magistrate to consider the representation of the petitioners filed on 07.12.2017 whereby the petitioners had requested for the said payment.

The learned counsel for the State submits that he has no objection.

The learned counsel for the State submits that the petitioners are simply seeking a direction for disposal of their representation but the representation was submitted in the year 2017. It is next submitted that a counter affidavit on behalf of the respondent no. 1 has been filed wherein at Para-11 it has been specifically pleaded that no direct or specific action is required to be taken by the Panchayati Raj, however, the District Magistrate, Siwan has been requested by Panchayati Raj Department Letter No. 1257 dated 18.02.2019 to take necessary action and to file counter affidavit in this regard.

The learned counsel for the State next submits that a counter affidavit on behalf of the respondent nos. 2, 3 and 4



has also been filed wherein at Para-iv it has been stated that from perusal of the joint report it transpires that petitioners are entitled for payment of Rs. 24,400/- and Rs. 14,400/- respectively but as per Audit Report of the Auditor, the petitioners in capacity of *Sarpanch* and *Up-Sarpanch* had illegally drawn a sum of Rs. 60,003/- against which they have not submitted expenditure vouchers.

The learned counsel for the petitioners rebuts the submission of the learned counsel for the State and submits that the aforesaid averments made in the counter affidavit of respondent nos. 2, 3 and 4 are misleading.

Be that as it may, the writ application is disposed of with a direction to the petitioners to file a fresh representation before the District Magistrate, Siwan bringing to his notice the entire facts with clarity and in the event if the District Magistrate, Siwan comes to a conclusion that the remunerations are still to be paid to the petitioner in accordance with law, the District Magistrate shall take a decision expeditiously preferably within a period of 2 months from the date of filing of the representation provided the representation is filed by 18.05.2023.

In the event, if the representation is not filed by that



date, the present order shall not be given effect to.

(Satyavrat Verma, J)

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