

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20045 of 2013

=====

Diwakar Rana S/O Late Bijli Rana Resident Of Mohalla- Balughat, New Colony, Deep Nagar, P.S.- Muzaffarpur, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State Of Bihar Government Of Bihar, Patna
2. The Bairiya Bus Parking Asthal Samiti, Through Its Chairman-Cum-Collector, Muzaffarpur
3. The District Magistrate-Cum-Chairman, The Bairia Bus Parking Asathal Samiti, Muzaffarpur
4. The Sub-Divisional Officer, West Muzaffarpur, District- Muzaffarpur
5. The Land Reforms Deputy Collector, West Muzaffarpur, District- Muzaffarpur

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Raghav Prasad No.-1
For the Respondent/s : Mr. Md. Fazle Kasim, AC to SC-01

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2023 Heard learned counsel for the parties concerned.

The petitioner is an ex-service man. He was engaged on contract basis as caretaker on 13.09.1989 on a fixed remuneration by SDO-cum-Secretary, Bairiya Bus Stand Parking Samiti.

Learned counsel for the petitioner submits that the proposal for enhancement of remuneration of the petitioner from Rs. 8,000/- to the higher amount is pending before the Samiti headed by the District Magistrate, which would be evident from Annexure-16 and 18. The petitioner had earlier approached this Court in CWJC No. 4070 of 2005 seeking a direction to pay



remuneration to the petitioner at par with government employees.

This writ application was dismissed *vide* order dated 28.11.2006, observing that in the event the respondent no. 2 agrees to increase the remuneration payable to the petitioner, the petitioner would be entitled to enforce such agreement but the petitioner has no legal right to force one of the contracting parties namely, the employer to increase the remuneration.

The LPA filed against the said writ application also got dismissed with liberty to the petitioner to pursue other remedy available under the law.

Learned counsel for the petitioner submits that the petitioner has filed a representation before the District Magistrate-cum-Chairman, Bairiya Bus Stand Samiti, Muzaffarpur, which is still pending and a direction may be issued to the District Magistrate-cum-Chairman to dispose the representation in accordance with law.

Learned counsel for the State submits that the petitioner is a contract appointee and cannot claim Class III scale as payable to the government employees.

Having heard learned counsel for the parties and taking into consideration the fact that the representation of the



petitioner is pending before the District Magistrate-cum-Chairman, Bairiya Bus Stand Parking Samiti, accordingly, this writ application is disposed with direction to the District Magistrate-cum-Chairman, Bairiya Bus Stand Parking Samiti to dispose the representation of the petitioner in accordance with law within a period of three months from the date of filing of the representation.

With above observation and direction, this writ petition is disposed.

(Anil Kumar Sinha, J)

ashwani/-

U			
---	--	--	--

