

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6862 of 2023

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Adya Sharan Choudhary Son of Late Mata Badal Choudhary Resident of
-Mohalla and P.O- Orijot, District- Basti- Uttar Pradesh.

... .. Petitioner/s

Versus

1. The Bihar State Legal Services Authority Buddh Marg, Patna through its Member Secretary at Buddh Marg, Patna.
2. The Member Secretary, Bihar State Legal Services Authority, Budh Marg Patna.
3. The District and Sessions Judge -Cum- Chairman, District Legal Services Authority, Distt. - Kaimur at Bhabhua .
4. The Sub Judge I-cum- Secretary, District Legal Services Authority, Distt - Kaimur at Bhabhua .
5. The State of Bihar, Through the Principal Secretary, Department of Law, Government of Bihar.
6. The Principal Secretary, Department of Law, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey No.5, Advocate
For the Respondent	:	Mr. Md. Raisul Haque (SC 10)
Nos. 5 and 6		Binay Kumar, AC to SC 10

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 09-10-2023

The petitioner, was employed as a Judicial Member in Lok Adalat Kaimur at Bhabhua between the period 07.05.2010 to 17.04.2013. The petitioner was paid honorarium at the rate of Rs. 500/- per sitting from May, 2010 to January, 2012 and from February 2012 to June, 2012 at the enhanced honorarium of Rs. 1,000/- per sitting. The petitioner claims that even as per the statutory provision as existed prior to



amendment of 2015, the petitioner being a retired Judicial Officer is entitled to be paid the last salary drawn by such member, minus the amount of pension paid to him per month. The petitioner specifically points out that though Section 39(2) of the Bihar State Legal Services Authority Regulation, 1998 refers to Permanent and Continuous Lok Adalat, he has been appointed in a Continuous Lok Adalat.

2. We notice that the Authority has dealt with the various judgments to find that the petitioner was not appointed as a Permanent and Continuous Lok Adalat. In fact the term has to be understood together and the petitioner's case itself is that he is only a Continuous Lok Adalat and not a Permanent one.

3. The order impugned in the writ petition refers to *Life Insurance Corporation of India v. Suresh Kumar, (2011) 7 SCC 491, Interglobe Aviation Limited v. N. Satchidanand, (2011) 7 SCC 464 and Canara Bank v. GS Jayarama, Civil Appeal No. 3872 of 2022* to distinguish between a Lok Adalat and a Permanent Lok Adalat as provided for under the Legal Services Authority Act, 1987 (for brevity 'L.S.A. Act'). A Lok Adalat is one constituted under Section 19 of the Act which has no adjudicatory functions or powers and discharge a purely conciliatory function while a permanent Lok Adalat is one



established under Section 22B of the L.S.A. Act, exercising jurisdiction in respect of Public Utility Services, carrying out both conciliatory and adjudicatory functions. A permanent Lok Adalat, hence, is one notified under Section 22B of the Act. Regulation 2(j) of the Bihar Legal Services Authority Regulation, 1998 also defines Permanent Lok Adalat as a Lok Adalat constituted under Section 22B of the L.S.A. Act in respect of Public Utility Services. Section 2(g) of the State Regulation of 1998 speaks of a Continuous Lok Adalat, meaning a Lok Adalat constituted under Section 19 of the LSA Act, which holds sitting continuously and regularly on all working days of the Civil Court.

4. At the relevant time when the petitioner was a member of the Lok Adalat between 07.05.2010 to 17.04.2012, the sitting of a Lok Adalat was contingent upon the fact of availability of minimum 5 cases. Hence, there was no continuous sitting on all working days, as is the practice in Civil Courts. It is also stated that a Permanent Lok Adalat was notified in Kaimur at Bhabhua under Section 22B only by Notification No. 4 dated 22.06.2021 of Bihar State Legal Services Authority. The petitioner, though a retired Judicial Officer as member of the Lok Adalat, is only entitled to the honorarium which has been



paid.

5. We find absolutely no reason to interfere with the impugned order of the Chairman of the District Legal Services Authority, the District and Sessions Judge, Kaimur at Bhabhua.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Spd/Sharun

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	13.10.2023
Transmission Date	

