

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9460 of 2019

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Randhir Kumar, Son of Late Suresh Prasad, Resident of Village- Basaul,
Belsand Nagar Panchayat, P.S.- Jaffarpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Urban Development Department Govt. of Bihar New Secretariat Patna.
4. The Director Accounts (Audit) Urban Development Department Govt. of Bihar, New Secretariat, Patna.
5. The Accountant General, (Audit) Bihar, Birchand Patel Marg, Patna.
6. Sr. Accounts Officer (Audit) Social Division-I, Local Audit Branch, Patna.
7. The District Magistrate, Sitamarhi.
8. Belsand Nagar Panchayat, Sitamarhi through its Executive Officer.
9. The Executive Officer, Belsand Nagar Panchayat, Sitamarhi.
10. Parshuram Mishra, Son of Late Brij Narayan Mishra, Resident of Village- Sauli Sirsiya, P.S.- Tariyani, District- Sitamarhi.
11. Shambhu Prasad, Son of Late Baiju Rai @ Baij Nath Rai, Resident of Village- Belsand Ward No. 2, P.S.- Belsand, District- Sitamarhi.
12. Dharmendra Kumar, Son of Lakshman Prasad, Resident of Village- Belsand Ward No. 5, P.S.- Belsand District- Sitamarhi.
13. Sri Niwas Rai, Son of Jagannath Rai, Resident of Village- Belsand Ward No. 2, P.S.- Belsand, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Sushmita Mishra, Advocate
For the Respondent/s : Mr. Kinkar Kumar SC 9

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 18-07-2023 Heard the parties.

The present writ petition has been filed for the
following reliefs:-

(i) for commanding the respondent authorities to take



suitable action to remove Respondent Nos. 10 to 13 from the services of Belsand Nagar Panchayat with immediate effect and to recover the honorarium paid to them illegally in as much as they have been working on contract basis since 2014 for implementation of the scheme called Integrated Housing and Slum Development Programme (In short- IHSDP) which has already been closed by the Government of India in March 2017 and further they were engaged on contract basis too in gross violation of Section 37 (10) of the Bihar Municipal Act, 2007 (In short- The Act) in as much as the Empowered Standing Committee had neither engaged them nor any prior approval of the Empowered Standing Committee was sought for prior to their engagement by the then Executive Officer of the Belsand Nagar Panchayat;

(ii) for commanding the respondent authorities to comply with the objections raised vide Audit Report dated 11.06.2018 issued under the signature of Respondent No. 6 in which serious objections were raised by Respondent No. 6 against the engagement of employees of Belsand Nagar Panchayat who have been working on contract de hors the provision contained in the Act and the expenditure incurred on the honorarium given to them.



A counter affidavit on behalf of the Accountant General, Bihar is on record and paragraphs 7 to 10 which read as follows:-

“7. That the Audit Party requested the order stated Respondent Authority to apprise as to under what circumstances services of such persons, in excess of sanctioned strength, are being taken in the Nagar Panchayat.

8. That further, it was also requested to apprise whether the appointment of all the 19 (13+06) persons have been made on the recommendation of the Empowered Standing Committee. If yes, then photocopies of recommendation shall be made available to the audit party, if not, then why and on what basis, services of all those are being taken.

9. That it has also been asked by the Answering Respondent that during which year appointment of those 19 persons has been made.

10. That it has also been asked by the Answering Respondent, whether provision has been made in the budget for expenditure to be incurred on these daily wagers.”

In view of the aforesaid facts, it would be appropriate that the petitioners appear before the Respondent No. 3, the Principal Secretary, Urban Development Department, Bihar , Patna within four weeks from today.



If such representation is preferred, the notices be issued to the Belsand Nagar Panchayat through its Executive Officer as also the present Respondent Nos. 10 to 13 and the Accountant General, Bihar.

After hearing all the parties, the Respondent-Principal Secretary shall come to a decision preferably within a period of six months from the date of representation.

The writ petition stands disposed of with the aforesaid observations.

(Rajiv Roy, J)

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