

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3984 of 2018

=====

Punita Kumari, Wife of Brajesh Kumar Pandey, Resident of Village-Sheori, P.S.-Mashrakh, District-Saran, Presently Posted as Secretary toe the Gram Kachahary, Khajuri, Gram Panchayat Raj-KHajuri, P.S. and Anchal-Mashrakh, Saran and residing at Village-Ganaulli, P.S.-Mashrakh, District-Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Department of Panchayati Raj, Old Secretariat, Patna.
3. The Collector, Saran at Chapra.
4. The Deputy Development Commissioner, Saran at Chapra.
5. The District PanchaYat Officer, Saran at Chapra.
6. The Block Development Officer, Mashrakh, Saran.
7. Shri Umakant Tiwari, Son of Late Tukar Tiwari, Resident of Village-Ganaulli, P.S.-Mashrakh, District-Saran, At Present Sarpanch of Khajuri Gram Kachahari, P.S. and Anchal-Mashrakh, District-Saran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh, Advocate
For the Respondent/s : Mr.Kumar Alok -SC-7

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 05-12-2023

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for a
direction to the respondents to pay the Maandeya/Honorarium
of the petitioner which has not been paid to him since June,
2013 till date.

3. Learned counsel for the petitioner submits that



admittedly the petitioner is working as Secretary of the Gram Katchahry, Khajuri situated under the Mashrakh Circle, District -Saran. He further submits that the petitioner may be directed to appear before the district Panchayat Raj Officer for redressal of his grievances who is the competent authority under the law.

4. It is made clear that the Government of Bihar has framed a rule through the Panchayati Raj Department vide Notification 8P/V-4-1011/2011/63/P.R. dated 5th January 2015 in exercise of the power conferred under Rule 94(1) read with Section 146 of the Bihar Panchayat Raj Act, 2006 (Bihar Act 6 of 2006) framing a rule namely, the Bihar Gram Katchahry Secretary (Employment, Service Conditions and Duties) Rules, 2014 (hereinafter referred to as 'the Rule, 2014'). The said rule indicates that in any matter relating to employment in Gram Katchahry, the BDO is the respective authority whereas an appeal (when grievances could not be redressed before the BDO) has to be preferred under Rule 7 before the concerned District Panchayat Raj Officer within 30 days and he has to decide the appeal within 45 days after its filing.

5. In view of the clear position of law that the grievance of the petitioner could not be redressed before the BDO, he has the remedy to file an appeal under Rule 7 of Rule,



2014. Accordingly, the petitioner is directed to file an appeal under the Rule of 2014 before the District Panchayat Raj Officer, Saran who shall decide the appeal of the petitioner within a period of 45 days from the date of production of a copy of this order. The delay, if any, in filing the appeal shall not come in the way of the appellate authority in deciding the appeal. If the petitioner is found entitled to receive an honorarium, he shall do all the needful so that the petitioner may receive payment. In case, the petitioner is not found entitled to the honorarium, the District Panchayat Raj Officer is directed to pass a reasoned and speaking order within the said period and the petitioner shall be at liberty to challenge the same before the appropriate authority.

6. With the aforesaid direction and observation, the writ petition stands disposed of.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	07/12/2023
Transmission Date	NA

