

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1247 of 2023

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Ram Babu Lal S/o Sri Ram Prasad, R/o Village-Mathurapur, Ward No-1,
P.O.-Mathurapur, P.S.-Warishnaga, District-Samastipur.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director Primary Education, Education Department, Government of Bihar, Patna.
4. The District Magistrate, Samastipur, District-Samastipur.
5. The Chairman, District Board Samastipur.
6. The Deputy Development Commissioner, Samastipur, District-Samastipur.
7. The District Education Officer, Samastipur, District-Samastipur.
8. The District Programme Officer, Establishment (Education), Samastipur, District-Samastipur.
9. The District Pogramme Officer (Literacy), Samastipur, District-Samastipur.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Arinyay Kumar, Advocate
For the Respondent/s : Mr.Rajeev Ranjan, AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-04-2023 Learned counsel for the petitioner submits that he has served copy of the writ application on learned counsel for the State. No other defect has remained.

As prayed this writ application has been heard.

Petitioner in the present case is seeking a direction to the respondents to make payment of arrears of his salary which according to him is due from the month of February, 2016 to November, 2017 for the work done by him on the post of Officer Clerk (Messenger) under Sakchhar Bharat Mission-



2012 in the office of the District Programme Officer (Literacy), Samastipur with a statutory bank interest.

A counter affidavit has been filed on behalf of respondent no. 9 who is the District Programme Officer Secondary and Literacy, Samastipur. In Paragraph '5' of the counter affidavit, it is stated that the office order passed by the District Programme Officer (Literacy) clearly stated that the salary of the petitioner is due from February, 2016 to August, 2016 which is Rs. 18,309/- and the same shall be paid to the petitioner. As regards the claim for the other and further period, in Paragraph '6' of the counter affidavit, it has been stated that the District Programme Officer (Literacy) has vide its letter no. 551 dated 18.12.2020 (Annexure 'B' to the counter affidavit) has held that claim of the petitioner is valid for the period till 08.08.2016 only. The department has asked for the bank details which the petitioner has not given.

Learned counsel submits that on the bank details made available to the respondents, the payment would be made.

Having heard learned counsel for the petitioner and the State, in the nature of the stand taken on behalf of the State, this Court directs the State respondents to pay the admitted amount of Rs. 18,309/- which is due to the petitioner on account



of his salary from the period February, 2016 to August, 2016 with interest at the rate of 6% per annum payable at the yearly rest. The Court is awarding interest for the reason that no plausible explanation has been given in the counter affidavit as to why the payment was not made for the said period. The mere statement of the respondents that the payment was ordered in the year 2020 but it has not been paid due to absence of bank details is not believable as it is an admitted position that the petitioner was appointed on the post of Officer Clerk (Messenger) under the scheme of 05.01.2012. If his salary was being paid since then, there was no reason for non-payment of salary from the month of April, 2016 to August, 2016 in the same manner to the petitioner.

The District Magistrate, Smastipur is directed to examine as to why the payment for these months were not made to the petitioner and who is responsible for it. The interest amount shall be realized from such erring officials.

In the given circumstance, as regards other claims of the petitioner, the petitioner may file a representation before the District Magistrate, Samastipur to consider the same on the basis of the materials available on the record and shall pass a



reasoned order thereon within a period of three months from
the date of receipt/ production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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