

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.661 of 2023

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Kumari Amisha Tiwari Daughter of Late Udayprakash Tiwari Resident of
Village-Soharai, Post-Tali, P.s.-Guthani, Tali Buzurg, District-Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Secretariat, Patna.
2. The Officer on Special Duty, Urban Development and Housing Department, Government of Bihar, Secretariat, Patna.
3. The Under Secretary, Urban Development and Housing Department, Government of Bihar, Secretariat, Patna.
4. The District Magistrate, Gaya, District-Gaya.
5. The Chief Executive Officer, Nagar Parishad, Bodh Gaya, District-Gaya.
6. Municipal Executive Officer-Cum-Administrator, Nagar Parishad, Bodhgaya, District-Gaya.
7. The Chairman, Nagar Panchayat, Bodhgaya, District-Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Rashid Izhar, Advocate
For the State	:	Mr.Shankar Kumar, AC to AAG-7
For the Nagar Parishad	:	Mr.Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 18-04-2023 Heard learned counsel for the petitioner, learned

counsel for the Nagar Parishad, Bodhgaya and learned counsel

for the State.

2. Petitioner in the present case approached this Court

for a direction to respondent nos. 5 and 6 to pay the arrears of

her salary which remained unpaid due to non-payment of

regular salary to the petitioner since 25.03.2020. Petitioner has

also prayed for award of interest over and above the amount of

salary as according to her, she has been arbitrarily deprived of



her due remuneration for extraneous reasons.

3. It is the case of the petitioner that she was giving her service as Supervisor in the office of the Executive Officer, Nagar Parishad, Bodhgaya since 25.03.2020. She was also assigned the job of Supervisor of Ward No. 8. It is stated that the petitioner's name was incorporated in the attendance register at serial no. 42 which is maintained by the Nagar Panchayat, Bodhgaya. A copy of the attendance register has been brought on record as Annexure '3' to the writ application.

4. It is stated that despite her continuance in service, when no payment was made to her, she lodged a protest whereupon she was communicated that her salary will be paid and she needs to wait for some time. In this regard, she raised a grievance before the District Public Grievance Redressal Forum, Gaya and the said Forum had passed an order dated 17.08.2021(Annexure '4'). The petitioner being aggrieved by the behaviour of the respondent and inaction upon the representation submitted a complaint in the Janta Darbar whereupon the Urban Development and Housing Department, Government of Bihar issued a letter to the Executive Officer, Nagar Parishad, Bodhgaya to resolve the matter.

5. It is stated that the Executive Officer, Nagar



Parishad, Bodhgaya took a stand that the petitioner was not paid her salary from April, 2022 to September, 2022. In the same letter, it is stated that arrears of payment of salary from 25.03.2020 to 31.03.2022 will be paid to the petitioner subsequently. In this regard, a letter as contained in Annexure '7' has been brought on record.

6. Learned counsel for the petitioner points out that in the said letter it is categorically stated that so far as the payment of remuneration for the period 25.03.2020 to 31.03.2022 is concerned, the same will be made available after constitution of the Board.

7. Learned counsel for the petitioner submits at this stage that after the previous orders of this Court, the Nagar Parishad has though made payment for remuneration for 147 days for the period April, 2022 to September, 2022 amounting to Rs. 45,570/- but the said cheque stood dishonored on presentation. It is stated that perhaps today some amount has been credited in the account of the petitioner.

8. Learned counsel submits that so far as the period from 25.03.2020 to 31.03.2022 is concerned, remuneration for the said period has not been paid.

9. On the other hand, learned counsel for the Nagar



Parishad, Bodhgaya submits that presently the petitioner has been paid for the period from 10.06.2021 and she has been receiving her remuneration after April, 2022 continuously. As regards, the payment from 25.03.2020 and 09.06.2021 no proof of work is available with the Nagar Parishad. As regards the allegation of sexual exploitation, learned counsel submits that now an internal committee has been constituted and the complaint of the petitioner shall be duly examined within a reasonable period. If required, the complainant may be called upon by the Nagar Parishad to substantiate her complaint which is Annexure '5' to the writ application.

10. Learned counsel for the State submits that the District Magistrate, Gaya shall personally monitor that the allegations are duly examined and an appropriate independent decision be taken in accordance with law.

11. In the given facts and circumstances of the case, this writ application is being disposed of with a direction to the Executive Officer, Nagar Prashid, Bodhgaya to examine the claim of the petitioner as to her remuneration from 25.03.2020 till 09.06.2021 taking into consideration the attendance registers, copies of which have been placed on record as Annexure '3' to the writ application and upon consideration of



the materials available on the record as well as those which may be brought by the petitioner to satisfy her claim, the Executive Officer shall take an appropriate decision within a period of two months from the date of receipt/ production of a copy of this order.

12. The internal committee who is in seisin of the allegations of sexual exploitation and the attempt towards that would consider the complaint independently and in accordance with law on the basis of the materials on the record which may be brought before the committee. Let it be recorded that this Court has not formed any opinion on this and the findings of the internal committee must be independent and without any influence.

13. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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