

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1483 of 2016

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Surendra Singh Son of Late Rajdeo Singh, Resident of village Post- Dumri Kala, P.S.- Majorganj, District- Sitamarhi, at present resides at village- Mehsole, Pratap Nagar, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Principal Secretary Health Department, Bihar, Patna
2. The District Magistrate, Sitamarhi
3. The Civil Surgeon, Sitamarhi
4. The District Leprosy Officer, Sitamarhi
5. The Director Health Services, Bihar, Patna
6. The Deputy Director, Health Services, Bihar-cum-State Programme Leprosy Officer, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lalit Narayan Jha, Advocate
For the Respondent/s	:	Md. M.N.H. Khan, SC- 1
		Md. Fazle Karim, AC to SC- 1

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT
Date : 30-10-2024

Heard learned counsel for the parties.

2. The petitioner has filed this writ petition for payment of arrears of salary/honorarium with effect from April, 2008 to March, 2010 for having worked as driver in the MDT Project of District Leprosy Society, Sitamarhi on contract basis.

3. The respondent No. 3 has filed a counter affidavit, wherein, in paragraph No. 8, it has been stated as under:-

*“8. That with respect to the
statement made in paragraph no.-6 of*



the writ petition under reply, it is stated that the Petitioner has given services to the District Leprosy office, Sitamarhi as contractual driver w.e.f. 23-04-2008 to march, 2010, but due to non allocation of funding from apex authority the salary/honorarium of Petitioner has still due where as respondent no.-4 District Leprosy Officer, Sitamarhi written so many letters to the State Leprosy Officer, Bihar, Patna and Executive Director, State Health Society Bihar, Patna for fund allocation for committed expenditure demand vide his letter no.-1 dated 13-04-2009, letter no.-06 dated 28-04-2009 letter no- 7 dated 28-04-2009 letter no.- 11 dated 29-05-2009 letter no.-27 dated 16-11-2009 letter no-05(MDT) dated 15-03-2010 DHS resolution 22-07-2011 letter no.-71 dated 20-03-2012, letter



*no.-297 dated 18-12-2013 letter no.-
289 dated 18-12-2015 and letter no.-
40 dated 13-02-2016, but the fund
allocation has not been made till
today. It is pending before State
Leprosy Officer Bihar, Patna/
Executive Director, State Health
Society, Bihar, Patna.*

4. From perusal of the paragraph No. 8 of the counter affidavit filed by the respondent No. 3, it appears that the respondents have admitted that the petitioner has served as driver on contract basis with effect from 23.04.2008 to March, 2010 in the office of the District Leprosy Office, Sitamarhi. It also appears that the salary/honorarium for the period mentioned above could not be paid to the petitioner due to non-allocation of fund by the State. Several correspondence appears to have also been made to the concerned authority for allocation of the fund but no such fund appears to have been sanctioned by the concerned authority, due to which salary/honorarium of the petitioner for the period mentioned above, remains unpaid till date.



5. Under the aforesaid circumstances, since, the respondents have admitted that the petitioner has worked as driver on contract basis in the office of District Leprosy Office, Sitamarhi with effect from 23.04.2008 to March, 2010 and he could not be paid his salary/honorarium due to non-availability of the fund, this writ petition is, hereby, disposed of with a direction to the respondents to pay the petitioner his salary/honorarium for the period 23.04.2008 to March, 2010 along with interest at the rate of 6 percent per annum from the date it was due. The payment directed as above shall be made within a period of one month from today, failing which, it will carry a further interest of 12 percent per annum.

6. The writ petition is disposed of with the above directions.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2024
Transmission Date	NA

