

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16116 of 2024

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Md Nasim Akhtar, Late Md. Sadiruddin, Resident of Village-Baghoura Balter
Police Station-Aazam Nagar District-Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector-Cum-District Magistrate, Katihar District-Katihar.
2. The Deputy Collector, (Establishment), Katihar.
3. The Deputy Development Commissioner, Katihar.
4. The Additional Collector, Katihar.
5. The Circle Officer, Barsoi, Katihar.
6. The Circle Officer, Pranpur, Katihar.
7. The District Magistrate, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Md. Helal Ahmad, Advocate
For the Respondent/s	:	Md. Obaidullah, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-10-2024 Heard Md. Helal Ahmad, learned counsel for the

petitioner and Md. Obaidullah, learned counsel for the State.

2. At the outset, learned counsel for the petitioner
seeks permission to array the District Magistrate, Katihar as a
party respondent no.7 in the writ petition.

3. Permission is accorded.

4. Let the District Magistrate, Katihar be added as a
party respondent no.7 in course of the day.

5. The petitioner has invoked the extraordinary writ
jurisdiction of this Court under Article 226 of the Constitution,



seeking a direction upon the concerned respondents to ensure payment of his salary for the period of 01.08.2022 to 31.07.2024.

6. While the petitioner was working as a Clerk in the Office of the Circle Officer, Pranpur, Katihar, the District Magistrate, Katihar vide order dated 14.09.2021 issued under Memo No. 816, deputed the petitioner to the Office of the Circle Officer, Barsoi. In compliance with the afore-noted order, the petitioner submitted his joining on the deputed post and regularly discharge his duty and also received salary from the Circle Officer, Pranpur on the basis of the absence statement. In the meantime, the petitioner superannuated on 31.07.2022 and on a request made by him, his service has been further extended vide order dated 01.09.2022 issued under Memo No. 880 along with others. After the extension of the service of the petitioner on the post afore-noted, he has continuously discharged his service from 01.08.2022 to 31.07.2024. However, despite the submission of the absentee report of the petitioner to the Circle Officer, Pranpur for payment of salary/remuneration, the same has not been done.

7. Being aggrieved by the inaction of the respondents in not according the rightful claim of the petitioner for



salary/remuneration, the petitioner left with no option but to move this Court.

8. Learned counsel for the State submitted that from the materials available on record, it appears that the service of the petitioner was contractual in nature, however, he has fairly contended that even though the petitioner is entitled for salary/remuneration for the said post if he discharged his duty on the said post.

9. Having heard the submissions advanced by the learned counsels for the respective parties and after perusing the materials available on record, this Court deems it apt and proper to dispose off the writ petition with a direction to respondent no.7, the District Magistrate, Katihar to consider the claim of the petitioner for salary/remuneration for the period from 01.08.2022 to 31.07.2024 qua the absentee report and ensure payment in accordance with law, preferably within a period of twelve weeks from the date of receipt/production of a copy of this order.

10. The writ petition stands disposed off.

(Harish Kumar, J)

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