

GAS
14.05.2014

In The High Court of Judicature at Patna
(Civil Writ Jurisdiction)

CWJC No. of 2014

Chandradeep Mahto Petitioner

Versus

The State of Bihar & ors. Respondents

Subject : - Salary / Non-Gazetted

INDEX

Sl. No.	Annexure	Description	Page No.
1		Main contents of the writ application under Article 26 of the Constitution of India.	1 to 13
2	Annexure -1	Copy of the order dtd. 7.7.2010 passed in C.W.J.C. No. 10370 of 2010.	14-15
3	Annexure -2	Copy of the order dtd. 5.3.2012 passed in L.P.A. No. 1177 of 2012.	16-17
4	Annexure -3	Copy of the order vide Memo No. 483 dtd. 30.3.2013	18

5	Annexure -4	Copy of the joining report dtd. 1.4.2013	19
6	Annexure -5	Copy of the application dtd. 17.5.2013	20
7	Annexure -6	Copy of the letter no. 1246 dtd. 6.8.2013	21
8	Annexure -7	Copy of the letter vide Memo No. 347 dtd. 10.2.2014	22
9	Annexure -8	Copy of the representation dtd. 5.5.2014	23
10		VAKALATNAMA	

In The High Court of Judicature at Patna

(Civil Writ Jurisdiction)

CWJC No. of 2014

Chandradeep Mahto Petitioner

Versus

The State of Bihar & ors. Respondents

SYNOPSIS

Reliefs Prayed For : -

(i) For commanding the respondents to pay arrears of salary as well as current salary due to the petitioner since 1-04-2013 after adjusting the amount of Rs. 35,000 (20,000 + 15,000) which had been paid to the petitioner as advance.

(ii) For holding that the impugned non-payment of salary (Honorarium) due to the petitioner is illegal, arbitrary and without any lawful justification.

(iii) For any other appropriate relief/reliefs as Your Lordships may deem fit and proper.

FACTS :-

- Father of the petitioner was employed in D.R.D.A. Madhepura on a Class IV post.
 - 22.10.2005 - Father of the petitioner died in harness.
 - Mother of the petitioner nominated the petitioner for appointment on compassionate ground and the petitioner filed application.
 - 25.7.2009 - Claim of the petitioner for appointment was rejected.
 - Thereafter he filed a C.W.J.C.No. 10370 of 2010 for quashing the aforesaid order dtd. 25.7.2009.
 - 7.7.2010 - The aforesaid writ application was dismissed.
- Annexure-1 Page-
- Petitioner preferred an L.P.A. No. 1177 of 2010
 - 5.3.2012 - The aforesaid L.P.A. was allowed and the matter was remanded back to the Director, D.R.D.A. Madhpura.

Annexure-2 Page-

- Petitioner filed an application before D.R.D.A. enclosing a copy of the order.

3.9.2012 - Prabandh Parishad has decided in its meeting to appoint the petitioner to the post of Clerk-cum-Typist.

30.3.2012 - Petitioner was appointed against sanctioned post of Clerk-cum-Typist on a consolidated pay of Rs. 8000/- per month.

Annexure-3 Page-

1.4.2013 - Petitioner submitted his joining report which was duly accepted.

Annexure-4 Page-

17.5.2013 - Petitioner filed application for payment of his salary for the month of April 2013.

Annexure-5 Page-

6.8.2013 - D.D.C. Madhepura sought guidelines from the Secretary, Rural Development Deptt.

Annexure-6 Page-

Para 15 - Petitioner has been paid altogether an amount of Rs. 35,000 /=(15,000 + 20,000) on the basis of request made by the petitioner.

10.2.2014 - D.D.C. sent a reminder in continuation of his earlier letter dtd. 6.8.2013, seeking guidelines.

Annexure-7 Page-

2. Principal Secretary, Rural Development Deptt., Govt. of Bihar, Patna.
3. District Magistrate , Madhepura.
4. Deputy Development Commissioner , Madhepura Collectorate , Madhepura.
5. Director , District Rural Development Authority , Madhepura.

..... Respondents

To,

The Hon'ble Justice Ms. Rekha M.Doshit ,
the Chief Justice of the High Court of
Judicature at Patna and Her companion
Justices of the said Hon'ble Court.

The humble petition on behalf
of the petitioner abovenamed ;

Most Respectfully Sheweth :-

1. That , this writ application is being filed for commanding the respondents to pay arrears of salary as well as current salary due to the petitioner since 1-04-2013 after adjusting the amount of Rs. 35,000 (20,000=00 + 15,000=00) which had been paid to the petitioner as advance .

That this writ application is also being filed for holding that the impugned non-payment of salary (Honorarium) due to the petitioner is illegal, arbitrary and without any lawful justification.

2. That, the petitioner prays for the following reliefs :-

(i) For commanding the respondents to pay arrears of salary as well as current salary due to the petitioner since 1-04-2013 after adjusting the amount of Rs. 35,000 (20,000 + 15,000) which had been paid to the petitioner as advance.

(ii) For holding that the impugned non-payment of salary (Honorarium) due to the petitioner is illegal, arbitrary and without any lawful justification.

(iii) For any other appropriate relief/reliefs as Your Lordships may deem fit and proper.

3. That, the following questions of law are involved in this writ application :-

(i) Whether, the impugned non-payment of salary due to the petitioner since 1-04-2013 is just and proper?

(ii) Whether, the impugned non-payment of salary due to the petitioner since 1-04-2013 is violative of

Article 14 and 16 of the Constitution of India ?

(iii) Whether, the respondents have adopted pick and choose method in the matter of payment of salary to the employees working on contract basis ?

(iv) Whether, the impugned non-payment of arrears of salary as well as current salary due to the petitioner since 1-04-2013, is otherwise bad in law, wrong on facts ?

4. That, the petitioner is a citizen of India and residing well within the territorial jurisdiction of this Hon'ble Court.

5. That, the father of the petitioner was employed on a Class-IV post in the office of District Rural Development Authority (herein after referred to as DRDA), Madhepura and he died in harness on 22-10-2005.

6. That, it is stated that the petitioner, was nominated by his mother for being considered for appointment on compassionate ground. Thereafter the petitioner filed an application for his appointment in prescribed format.

7. That, it is stated that the claim of the petitioner for appointment on compassionate ground was rejected vide order contained in Memo No.1322 dtd. 25-7-2009 issued

under the signature of Director, Accounts, Administration and self employment-cum-Public Information Officer, D.R.D.A. Madhepura.

8. That, thereafter the petitioner filed a writ application before this Hon'ble Court being C.W.J.C. No. 10370 of 2010 challenging the validity of the aforesaid order dtd. 25-7-2009. The aforesaid writ application was dismissed vide order dtd. 7-7-2010 passed by Hon'ble Mr. Justice V.N. Sinha.

A copy of the order dtd. 7.7.2010 passed in C.W.J.C. No. 10370 of 2010 is annexed herewith and marked as 'Annexure-1' to this writ application.

9. That, thereafter the petitioner filed a Letters Patent Appeal being L.P.A. No. 1177 of 2010. The aforesaid L.P.A. was heard by a division bench of this Hon'ble Court and after hearing the parties, their Lordships have been pleased to set aside the order dtd. 7-7-2010 passed in C.W.J.C. No. 10370 of 2010, and the matter was remanded back to the Director, D.R.D.A. Madhepura for considering the case of

the petitioner vide order dtd. 5.3.2012.

A copy of the order dtd. 5.3.2012 passed in L.P.A. No. 1177 of 2010 is annexed herewith and marked as 'Annexure-2' to this writ application.

10. That, thereafter the petitioner filed a application before the Director, D.R.D.A. enclosing the copy of the order dtd. 5.3.2012 passed in L.P.A. No. 1177 of 2010. Subsequently the matter was placed before the 'Prabandh Parishad' of D.R.D.A. Madhepura. Thereafter the 'Prabandh Parishad' in its meeting held on 17.8.2012 has decided to appoint the petitioner to the post of Clerk-cum-Typist vide Memo No. 1771 dtd. 3.9.2012 issued under the signature of Chief Executive Officer, D.R.D.A. Madhepura.

11. That, thereafter the petitioner was appointed against the sanctioned post of Clerk-cum-Typist on a consolidated pay of Rs. 8000/=00 per month vide order contained in Memo No. 483 dtd. 30.3.2013 issued under the signature of Deputy Development Commissioner Madhepura.

A copy of the order vide Memo No. 483 dtd. 30.3.2013 is annexed herewith and marked as 'Annexure-3' to this writ application.

12. That, accordingly the petitioner submitted his joining report on 1-4-2013 before D.D.C. Madhepura and same was duly accepted.

A copy of the joining report dtd. 1.4.2013 is annexed herewith and marked as 'Annexure-4' to this writ application.

13. That, it is stated that when the petitioner was not paid his salary for the month of April 2013, then he filed an application on 17.5.2013 before D.D.C.-cum-Chief Exwcutive Officer, D.R.D.A. Madhepura.

A copy of the application dtd. 17.5.2013 is annexed herewith and marked as 'Annexure-5' to this writ application.

14. That, thereafter D.D.C. Madhepura sought guidelines from the Secretary, Rural Development Deptt., Bihar, Patna vide his letter no. 1246 dtd. 6.8.2013.

A copy of the letter no. 1246 dtd. 6.8.2013 is annexed herewith and marked as 'Annexure-6' to this writ application.

15. That, it is stated that since the petitioner was in a great need of money for treatment of his wife, then he made his request vide application dtd. 3.12.2013 before the D.D.C. Madhepura for payment of an amount of Rs. 40,000/- as an advance. Thereafter the petitioner was paid an amount of Rs. 15,000/- .The petitioner was again paid an amount of Rs. 20,000/- as an advance against his salary, on his application dtd. 24.1.2014.

16. That, on enquiry from the office of the D.D.C. Madhepura, the petitioner has learnt that a letter vide Memo No. 347 dtd. 10.2.2014 has been issued by the D.D.C. Madhepura to the Principal Secretary, Rural Development Deptt., Govt. of Bihar, Patna requesting therein to issue

guidelines in the matter of payment of salary (Honorarium) due to the petitioner and one Md. Nazir Ahmad, who are discharging their duties since 1.4.2013.

A copy of the letter vide Memo No. 347 dtd. 10.2.2014 is annexed herewith and marked as 'Annexure-7' to this writ application.

17. That, thereafter the petitioner is not aware about the outcome of the aforesaid letter.

18. That, the petitioner has been discharging his duty to his respective post since 1.4.2013 efficiently, deligently, and to the full satisfaction of the superior authorities. But unfortunately he is not being paid his regular salary due to him since 1.4.2013. He has been paid altogether an amount of Rs.35000/- as an advance against his salary/ Honorarium.

19. That, the petitioner has time and again approached the authorities concerned and recently he filed a representation dtd. 5.5.2014 for redressal of his grievances for payment of his arrears of salary as well as current salary due to him

since 1.4.2013 after adjusting the advance amount of Rs. 35000/-. The aforesaid representation is still lying pending and has not been disposed of as yet.

A copy of the representation dtd. 5.5.2014 is annexed herewith and marked as 'Annexure-8' to this writ application.

20. That, under the facts and circumstances as stated above, it is crystal clear that the petitioner has been discharging his duty on his respective post but his salary is not being paid since 1.4.2013.

21. That, the petitioner has been subjected to hostile discrimination in violation of Article 14 and 16 of the Constitution of India in as much as several persons appointed on contract basis are being paid their monthly salary regularly whereas the petitioner has not been paid since 1.4.2013.

22. That, the respondents have adopted pick and choose method in the matter of payment of salary and they have tried to do a thing indirectly what they could not do directly.

23. That, the petitioner belongs to a poor family. He has no other source of income except his salary due to him since 1.4.2013.

24. That, the petitioner has suffered a lot and further he will suffer irreparable loss and injury if his arrears of salary as well as current salary due to him since 1.4.2013 is not paid to him at an early date after adjusting the adjusting the advance amount of Rs. 35000/- already paid to him.

25. That, it is just and expedient in the interest of the justice, fair play in action and equity that this Hon'ble Court may intervene in this matter and direct the respondent authorities to pay arrears of salary as well as current salary due to the petitioner since 1.4.2013 after adjusting the advance amount.

26. That, the petitioners have no other alternative and efficacious remedy than to move before this Hon'ble High Court.

30. That, the petitioner has not moved earlier before this Hon'ble High Court for the present relief save and except C.W.J.C. No. 10370 of 2010 and L.P.A. No.

1177 of 2010 disposed of vide order dtd. 7.7.2010 and 5.3.2012 respectively.

It is, therefore, prayed that Your Lordships may graciously be pleased to admit this application, issue notices to the respondents as to why the reliefs as sought for in this writ application, be not allowed, and after hearing the the party/parties be further pleased to allow all the reliefs as prayed in Para 2 of this writ application.

AND / OR

pass such other order / orders as Your Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

AFFIDAVIT

I, Chandradeep Mahto ^{aged about 31 years} son of Late Ganpat Mahto, resident of Ward No. 19, Bye Pass Road near J.D.U. office, P.O. + P.S. + District - Madhepura do hereby solemnly affirm and declare as follows :-

1. That, I am petitioner in this case and as such am well acquainted with the facts and circumstances of the case.
2. That, the contents of this application has been read by me which I understood the same.
3. That, the statements made in Paragraph ^{4 to 13, 15, 17 to 20, 23, 26 and 30} are true to my knowledge and those made in Paragraph ^{14, 16.....} are true to my information derived from the sources disclosed therein and rest are by way of submissions to this Hon'ble Court.
4. That, the annexures are photo / true copies of its respective originals.

Annexure-1

44

1001

BIHAR

13/07/2010

107

STUDIOS LATHI

13/07/2010

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.10370 of 2010
CHANDRADEEP MAHTO, SON OF LATE GANPAT MAHTO, RESIDENT
OF WARD NO. 19, BYEPASS ROAD, NEAR J.D. (U) OFFICE, MADHEPURA, P.O. & P.S.-
MADHEPURA, DISTRICT- MADHEPURA :---PETITIONER .

Versus

1. THE STATE OF BIHAR
2. THE DISTRICT MAGISTRATE-CUM-COLLECTOR, MADHEPURA.
3. THE DEPUTY DEVELOPMENT COMMISSIONER, MADHEPURA COLLECTORATE, MADHEPURA.
4. THE DIRECTOR, DISTRICT RURAL DEVELOPMENT AUTHORITY, MADHEPURA.
5. THE DIRECTOR, ACCOUNTS ADMINISTRATION AND SELF EMPLOYMENT-CUM-PUBLIC INFORMATION OFFICER, DISTRICT RURAL DEVELOPMENT AUTHORITY, MADHEPURA.
6. THE DISTRICT COMPASSIONATE COMMITTEE, MADHEPURA THROUGH ITS CHAIRMAN, I.E. THE DISTRICT MAGISTRATE, MADHEPURA :--- RESPONDENTS.

2. 07.07.2010.

Heard learned counsel for the petitioner and the State.

2. Petitioner is aggrieved by the inaction of the authorities of the District Rural Development Authority, Madhepura (hereinafter referred to as the "Authority") not to appoint him on compassionate ground in the Authority although his father while serving the Authority on a Class-IV post left for his heavenly abode on 22.10.2007. Request of the petitioner for grant of compassionate appointment was not considered whereafter he approached the authorities of the Authority under the Right to Information Act seeking information about appointment of Devan Ram, son of Jagdeo Ram on compassionate ground as also about the failure of the authorities to consider his appointment on compassionate ground. In response to such request of the petitioner information has been given under Memo No. 1322 dated 25.7.2009 stating that Devan Ram, son of Jagdeo Ram was recommended for appointment on compassionate ground under letter no. 29 dated 4.4.2005 but the case of the petitioner for compassionate appointment cannot be considered in the light of the instructions of the State Government contained in Letter No. 2925 dated 11.3.2008 and 11099 dated 4.8.2008, Annexures-9

and 9/1, whereunder the State Government with reference to the policy guidelines issued for the Authority dated 1.4.1999 directed that there is clear bar for the Authority in making compassionate appointment. Appointment in the Authority can be made only on contract/deputation.

3. As there is no provision for compassionate appointment in the Authority as per the policy guidelines dated 1.4.1999, this Court cannot issue directions for appointing the petitioner on compassionate ground. The writ application is, accordingly, dismissed.

P.K.P.

Sd/- (V.N.Sinha,J.)

CERTIFIED TO BE TRUE COPY
[Signature]
For Joint Registrar (J)
Patna High Court
Authorized by Act 1 of 1873

27/2/2010
[Signature]

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1177 of 2010

In

Civil Writ Jurisdiction Case No. 10370 of 2010

1. Chandradeep Mahto S/O Late Ganpat Mahto R/O Ward No.19, Bypass Road, Near J.D.(U) Office, Madhepura, P.O. & P.S.- Madhepura, Distt.- Madhepura

.... Appellant/s

Versus

1. The State Of Bihar
2. The District Magistrate-Cum-Collector, Madhepura
3. The Deputy Development Commissioner Madhepura Collectorate, Madhepura
4. The Director, District Rural Development Authority, Madhepura
5. The Director, Accounts Administration And Self Employment-Cum-Public Information Officer District Rural Development Authority, Madhepura
6. The District Compassionate Committee, Madhepura Through its Chairman I.E. The District Magistrate, Madhepura

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Shanti Pratap

For the Respondent/s : Mr. (Gp11)

CORAM: HONOURABLE JUSTICE SMT. T. MEENA KUMARI
and

HONOURABLE MR. JUSTICE GOPAL PRASAD

ORAL ORDER

(Per: HONOURABLE JUSTICE SMT. T. MEENA KUMARI)

5 05-03-2012

In this case the appellant is aggrieved by inaction of the authority i.e. District Rural Development Authority, Madhepura for not appointing him on compassionate ground on the death of his father who died in harness on 22.10.2007.

The respondents has taken stand before the learned Single Judge that the appointment on compassionate ground is barred in view of policy decision of the State dated 1.4.1999.

However it is submitted that as per guideline the appointment have to be made only on contract basis on an application filed by the person concerned.

Learned counsel appearing on behalf of the appellant submitted that the authority have not considered the application of the appellant herein which was made for the purpose of compassionate appointment.

In view of policy decision of the Government dated 1.4.1999 we are of the opinion that the case of the appellant has to be considered for compassionate appointment on the contract basis according to the rules.

Accordingly, order of the learned Single Judge is set aside and the matter is remanded back to the Director, District Rural Development Authority, Madhepura (respondent no.4) for considering the application of the appellant as per the policy decision of the Government dated 1.4.1999.

With the above observation this L.P.A. is allowed.

(T. Meena Kumari, J)

(Gopal Prasad, J)

P.K./-

Annexure-3
जिला ग्रामीण विकास अभिकरण, मधेपुरा

18

:-आदेश:-

माननीय उच्च न्यायालय बिहार में दायर एल. पी. ए. सं०-1177/2012 में दिनांक 05.03.2012 को पारित आदेश के अनुपालन एवं इस संबंध में दिनांक-17.08.2012 को हुई प्रबंध परिषद की बैठक के अन्यान्य कंडिका 2 में लिए गये निर्णय के आलोक में श्री चन्द्रदीप महतो, पिता स्व० गणपत महतो, ग्राम-भिरखी मधेपुरा, वार्ड न०-19, थाना+पो०+जिला-मधेपुरा की नियुक्ति अनुबंध के आधार पर स्वीकृत लिपिक सह-टंकक के पद पर की जाती है। इन्हें प्रति माह 8000:00/- (आठ हजार रु० मात्र) मासिक मानदेय देय होगा।

इनकी नियुक्ति पूर्णतः अस्थायी एवं अनुबन्ध के आधार पर की जाती है और बिना कोई सूचना के किसी भी समय इसकी सेवा समाप्त कर दी जायेगी।

श्री चन्द्रदीप महतो नवनियुक्त लिपिक-सह-टंकक द्वारा कभी भी पूर्णतः नियुक्ति हेतु कोई दावा माननीय न्यायालय अथवा कहीं भी प्रस्तुत नहीं करेंगे और इन्हें ^{सूचना} आशय का एक शपथ पत्र (नौटरी पब्लिक) से प्राप्त कर कार्यालय में समर्पित करना होगा, एवं असैनिक सल्य चिकित्सक सह-चिकित्सा पदाधिकारी से चिकित्सक प्रमाण पत्र प्राप्त कर योगदान देना सुनिश्चित करेंगे।

इसकी सूचना सभी संबंधित को दी जाय।

ह०/-

उप विकास आयुक्त,
मधेपुरा।

ज्ञापांक 483 / दिनांक 30-03-2013

प्रतिलिपि - श्री चन्द्रदीप महतो लिपिक-सह-टंकक को सूचनार्थ एवं अनुपालानार्थ प्रेषित।

प्रतिलिपि - निदेशक, लेखा प्रशासन एवं स्वनियोजन, जिला ग्रामीण विकास अभिकरण, मधेपुरा को सूचनार्थ प्रेषित।

प्रतिलिपि - प्रधान सचिव, ग्रामीण विकास विभाग, बिहार पटना को सूचनार्थ प्रेषित।

प्रतिलिपि- असैनिक सल्य चिकित्सक-सह- मुख्य चिकित्सा पदाधिकारी, मधेपुरा को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

30.3.13
उप विकास आयुक्त,
मधेपुरा।

श्रीमान्,

34 विभाग अग्रक,
मन्थपुरा

कलकत्ता
A
1/4/13

विषय - लिपिक-शह-रंजक के पद पर अग्रक पर
मि० प्र० सि० सि० ३३३, मन्थपुरा सामुदायिक न
पौखाना के उ० उ० उ० के उ० उ० उ०

प्रमाण - 34 विभाग अग्रक, मन्थपुरा के आदेश,
जापान-483 दि०-30/03/2013

महोदय,
अग्रक विभाग प्रशासिक पत्र के अ० प्र०
मि० प्र० सि० सि० ३३३, मन्थपुरा सामुदायिक न के लिपिक-
शह-रंजक के पद पर अग्रक पर आज दि०-1/4/2013
के प्रमाण में अग्रक पौखाना स्थापित करवा दिया
करा जाएगा. के प्रमाण है कि मन्थ
पौखाना स्थापित करके ही काम हो सकेगा

दि - 1/4/2013

निदेशात्मक
कलकत्ता
(यन्त्रद्वारा मन्थ)
लिपिक-शह-रंजक
मि० प्र० सि० सि० ३३३,
मन्थपुरा

एनेक्सचर - 4 (Typed Copy)
=====

सेवा में,

उप विकास आयुक्त,
मधेपुरा ।

विषय :- लिपिक सह टंकक के पद पर अज्ञंबंध पर जि० ग्रा० वि० अभि०
मधेपुरा कार्यालय में योगदान हरे देने के सम्बन्ध में ।

प्रसंग :- उप विकास आयुक्त महोदय के आदेश ज्ञापन 483 दिनांक

30.03.2013

महोदय,

उपर्युक्त विषयक प्रस्तांगिक पत्र के क्रम में मैं जि० ग्रा० वि० अभि०

मधेपुरा कार्यालय के लिपिक सह टंकक के पद पर अज्ञंबंध पर आज दिनांक

1.4.2013 के पूर्वदिन में अभ्य योगदान समर्पित करता हूँ ।

अतः श्रीमान् से प्रार्थना है कि मेरा योगदान स्वीकृत करते

की कृपा की जाय ।

विश्वनाथभाजन

चन्द्रदीप महतो

लिपिक सह टंकक

जि० ग्रा० वि० अज्ञ मधेपुरा

दिनांक 1.4.2013

एनेक्सचर - 5

=====

सेवा में,

उप विकास आयुक्त सह

मुख्य कार्यपालक पदाधिकारी,

जिला ग्रामीण विकास अभिकरण

मधेसरा ।

विषय:- माह अप्रिल 2013 का मानदेय भुगतान करने के सम्बन्ध में ।

महाशय,

उपर्युक्त विषय के संबंध में सादर निवेदन करना है कि भवदीय के आदेश ज्ञानांक 483 दिनांक 30.3.2013 के द्वारा मेरी नियुक्ति लिपिक सह टैक के पद पर 8000 /- ₹ आठ हजार रुपये ₹ प्रतिमाह के दर पर अनुबंध पर मेरी नियुक्ति की गई थी । तत्पश्चात मैं दिनांक 01.04.2013 को अपना योगदान देकर कार्यालय में कार्य का सम्पादन कर रहा हूँ सुझे माह अप्रिल 2013 का मानदेय का भुगतान कार्यालय के द्वारा नहीं किया गया है ज्ञात हो कि मेरे पिता जी स्व. गणमत महतो जिसकी असामयिक मृत्यु सेवा काल में ही हो गया था । मेरी आर्थिक स्थिति काफी दयनीय है ।

अतः भवदीय से सादर अनुरोध है कि मेरा माह अप्रिल 2013 का मानदेय भुगतान करने का आदेश कार्यालय को देने की कृपा की जाए इसके लिए मैं सपरिवार भवदीय का सदा आभारी रहूँगा ।

अज्ञानक

1. नियुक्ति पत्र

2. योगदान पत्र

विवासभाजन

चन्द्रदीप महतो

दिनांक



प्रेषक:-

उप विकास आयुक्त,
मधेपुरा।

सेवा में,

सचिव,
ग्रामीण विकास विभाग,
बिहार, पटना।

विषय:-

अभिकरण कार्यालय, मधेपुरा में प्रबंध पर्सद की बैठक में लिए गए निर्णय के आलोक में किए गए नियुक्त कर्मों का मानदेय भुगतान के संबंध में मार्गदर्शन के संबंध में।

महाशय,

उपर्युक्त विषयक संबंध में सूचित करना है कि अभिकरण कार्यालय, मधेपुरा द्वारा दिनांक-17.08.2012 को आयोजित प्रबंध पर्सद की बैठक में लिए गए निर्णय के आलोक में दो कर्मों की नियुक्ति की गई थी जो निम्नवत है:-

1. श्री चंद्रदीप महतो को लिपिक-सह-टंकक पद पर नियुक्त किया गया है। इनके संबंध में माननीय न्यायालय, पटना के एल.पी.ए. सं०-1177/12 में परित न्यायादेश के आलोक में प्रबंध पर्सद की बैठक में लिए गए निर्णय के आलोक में नियुक्त किया गया है। उल्लेखनीय है कि श्री चन्द्रदीप महतो के पिता-स्व० गणपत महतो अभिकरण कार्यालय, मधेपुरा में अनुसेवक के पद पर कार्यरत थे और उनकी मृत्यु असामयिक हुई थी। श्री कुमार के नियुक्ति के संबंध में माननीय उच्च न्यायालय द्वारा पारित न्यायादेश तथा प्रबंध पर्सद की बैठक की कार्यवाही इस पत्र के साथ संलग्न है।
2. दिनांक-17.08.2012 को प्रबंध पर्सद में लिए गए निर्णय के अलोक में एक चालक मो० नजीर अहमद को अभिकरण कार्यालय, मधेपुरा में नियुक्त किया गया है। अभिकरण कार्यालय में एक चालक पदस्थापित है जो निदेशक लेखाप्रशासन एवं स्वनियोजन के वाहन हेतु प्रतिनियुक्त है जबकि कार्यालय में दो वाहन उपलब्ध है।

उक्त दोनों कर्मियों को अनुबंध के आधार पर नियुक्त किया गया है। श्री चन्द्रदीप महतो द्वारा कार्यालय में 01.04.2013 से कार्यरत है तथा मो० नजीर अहमद वर्तमान में दैनिक पारिश्रमिक के आधार पर अधोहस्ताक्षरी के वाहन हेतु प्रतिनियुक्त है।

अतः अनुरोध है कि उक्त दोनों कर्मियों की नियुक्ति तथा देय मानदेय भुगतान के संबंध में मार्गदर्शन देने की कृपा की जाए।

अनुलग्नक:- यथोक्त!

निदेशक

विश्वासभाजन,

उप विकास आयुक्त,

जिला ग्रामीण विकास अभिकरण, मधेपुरा

ज्ञापांक 347

प्रेषक,

उप विकास आयुक्त,
मधेपुरा।

प्रेषित,

प्रधान सचिव,
ग्रामीण विकास विभाग,
बिहार, पटना।

विषय :-

मधेपुरा, दिनांक 10-02-2014 ई०।
अभिकरण कार्यालय मधेपुरा में प्रबंध पर्षद की बैठक में लिए गये निर्णय के
आलोक में किए गये नियुक्त कर्मों का मानदेय के भुगतान हेतु मार्गदर्शन के
संबंध में।

प्रसंग :-

इस कार्यालय के ज्ञापांक- 1246, दिनांक-06.08.2013 ई०।

महाशय,

उपर्युक्त विषयक एवं प्रासंगिक पत्र के संबंध में कहना है कि अभिकरण कार्यालय, मधेपुरा की दिनांक- 17.08.2012 को आयोजित प्रबंध पर्षद में लिए गये निर्णय के आलोक में श्री चन्द्रदीप महतो को माननीय उच्च न्यायालय पटना के एल०पी०ए० सं०- 1177/12 में पारित न्यायादेश एवं श्री महतो के पिता स्व० गणपत महतो अभिकरण कार्यालय मधेपुरा में अनुसेवक के पद पर कार्यरत थे। और उनकी असांग्यिक मृत्यु सेवा काल में हो जाने के फलस्वरूप माननीय उच्च न्यायालय एवं प्रबंध पर्षद की बैठक में लिए गए निर्णय के आलोक में स्व० महतो के आश्रित पुत्र श्री चन्द्रदीप महतो की नियुक्ति मानदेय पर लिपिक-सह-टंकक के पद पर की गई। और दिनांक- 01.04.2013 से कार्यरत है।

दिनांक- 17.08.2012 को प्रबंध पर्षद में लिए गए निर्णय के आलोक में एक चालक मो० नजीर अहमद को भी अभिकरण कार्यालय मधेपुरा में मानदेय पर नियुक्त किया गया है। जो वर्तमान में निदेशक, लेखा प्रशासन एवं स्वनियोजन के वाहन पर प्रतिनियुक्त है।

प्रासंगिक पत्र के द्वारा दोनो कर्मियों की नियुक्ति हेतु एवं देय मानदेय भुगतान के संबंध में मार्गदर्शन हेतु अनुरोध किया गया था। विभाग से मार्गदर्शन अबतक अप्राप्त रहने के कारण दोनो कर्मियों को मानदेय भुगतान नहीं किया जा रहा है। जिसके कारण दोनो कर्मियों को काफी कठिनाईयों का सामना करना पड़ रहा है।

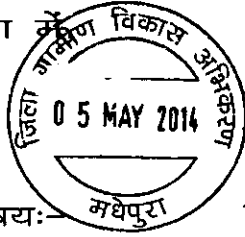
अतः अनुरोध है कि इनके आर्थिक कठिनाई को ध्यान में रखते हुए उक्त दोनो कर्मियों को नियुक्ति तथा देय मानदेय भुगतान के संबंध में अविलम्ब मार्गदर्शन देने की कृपा की जाय। ताकि अग्रतर कार्रवाई की जा सके।

इसे सर्वोच्च प्राथमिकता दी जाय।

विश्वासभाजन

उप विकास आयुक्त,
मधेपुरा।

सेवा में



श्रीमान् उप विकास आयुक्त,
मधेपुरा।

विषय:- मानदेय भुगतान के संबंध में।

महाशय,

उपर्युक्त विषयक सम्बन्ध में श्री मान से निम्नलिखित तत्वों के साथ सादर निवेदन है कि:-

1. यह कि मेरी नियुक्ति अनुकम्पा के आधार पर लिपिक-सह-टंकक के पद पर (अनुबंध) पर श्रीमान् के आदेश ज्ञापांक-483 दिनांक-30.03.2013 के द्वारा की गई है।
2. उपर्युक्त आदेश दिनांक-30.03.2013 के अनुपालन में मैंने अपना योगदान दिनांक-01.04.2013 को दिया और उक्त तिथि से मैं अपनी पूरी निष्ठा के साथ मैं अपने पद पर अपने दायतियों एवं कर्तव्यों का निर्वाहण करते आ रहा हूँ।
3. विदित हो कि मेरे आवेदन पर बकाया वेतन के विरुद्ध मुझे अग्रिम के रूप में दो बार क्रमश:- 15,000/-रु० एवं 20,000/- रु० का भुगतान किया गया है।
4. यह कि मैं दिनांक-01.04.2013 से लगातार कार्यरत हूँ, परन्तु नियमित मानदेय भुगतान नहीं किया जा रहा है। जिसके कारण मुझे अपने परिवार का भरण-पोषण करने में दिक्कतों का सामना करना पर रहा है।

अतः तथ्यों एवं परिस्थितियों के आलोक में श्रीमान से करबद्ध प्रार्थना है कि मेरा मानदेय भुगतान अग्रिम राशि के समायोजन करते हुए अविलंब भुगतान करने की कृपा की जाय।

इस कार्य के लिए मैं श्री मान् का सदेव अभारी रहूँगा।

विश्वासभाजन

चन्द्रदीप महेता

लिपिक-सह-टंकक

जि०या०वि०अभि०,मधेपुरा।

दिनांक- 5-5-2014

5.5.2014

738
6/5/14

- Petitioner time and again approached the authorities for payment of his arrears of salary as well as current salary due to him since 1.4.2013 after adjusting an advance amount paid to him earlier.
- 5.5.2014 - Petitioner filed a representation which is pending.

Annexure-8 Page-

- Hence this writ application.

----- SUBMISSIONS -----

In The High Court of Judicature at Patna
(Civil Writ Jurisdiction)

CWJC No. of 2014

In the matter of an
application under Article
226 of the Constitution
of India

AND

In the matter of :-

Chandradeep Mahto son of Late Ganpat Mahto , resident of
Ward No. 19 , Bye Pass Road near J.D.U. office , P.O. + P.S. +
District – Madhepura at present posted as Clerk- cum- Typist
on contract basis , District Rural Development Authority
(D.R.D.A.), Madhepura.

..... Petitioner

Versus

1. The State of Bihar