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In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.No. _____ of 2013

Lambodar Jha Petitioner

Versus

The State of Bihar and others..... Respondents.

Subject:-Payment of Salary (College Service)

INDEX.

Sl.No.	Particulars.	Pages.
1.	Synopsis.	1 to
2.	Petition under Article 226 of the Constitution of India.	1 to 12
3.	Annexure-1: A true copy of appointment Letter dated 21.12.1981. - - -	13
4.	Annexure-2: A true copy of Joining Report dated 23.12.1981. - - -	14
5.	Annexure-3: A true copy of the representation dated 3.8.2013. - - -	15
6.	Annexure-4: A true copy of representation dated 16.8.2013. - - -	16-17
7.	Vakalatnama of the petitioner.	

In the High Court of Judicature at Patna.

(Civil Writ Jurisdiction)

C.W.J.C.No. _____ of 2013.

Lambodar JhaPetitioner

Versus

The State of Bihar and others..... Respondents.

-: SYNOPSIS :-

This is an application for making payment of Anudan amount of year 2009, 2010, 2011, 2012 to the Petitioner.

1981
PARA-3

L.P.M.College,Murliganj, Madhepura.It is unaided College.

21.12.1981 Petitioner was appointed on the post of Lecturer.
Ann-1
PARA-4

23.12.1981 Petitioner joined in L.P.M.College,Murliganj, Madhepura.
Ann-2
PARA.5

2008
PARA-8

State Government decided to pay Anudan to teaching and non-teaching employees of the College and demanded list from College.

PARA-9

Aforesaid College sent list of teaching and non teaching employees to State Government.

PARA-10

Anudan amount was released.

PARA-11

Petitioner was paid Rs.40000/-of year 2008 but other teaching employees were paid more than one Lac.

PARA-12

Petitioner complained before authority but nothing done.

2009
PARA-13

State Government sent Anudan amount of year 2009

(ii)

PARA-14 Other Teaching employees were paid amount of 2009 but
petitioner was not paid.

PARA-15 Petitioner requested the authority for payment of Anudan
of 2009 but nthing done.

30.4.2012 Petitioner retired from the post of Lecturer.
PARA-16

3.8.2013 Petitioner gave representation to the authority for
Ann-3
PARA-18 payment of Anudan amount but nothing done.

16.8.2013 Petitioner gave representation to authority concern for
Ann-4
PARA-19 payment of Anudan amount but nothing done.

PARA-21 Petitioner is moving pillar to post.

PARA-22 Action of ^Kespondent is arbitrary, malafide.

Hence this Writ application.

-/0/-

20

GOVT. OF BIHAR
REGISTRATION EXCISE & DEPARTMENTAL
PATNA SCORE PATNA
COURT
26/9
Authorization No. 2675

भारत
STAMP DUTY
00000
00000285
375459
INDIA
BIHAR
*Zero*Zero*Zero*Zero*Two*Eight*Five

JUDICIAL
26.9.2013
Advocate for Petitioner
A. N. S. No. 03629

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

C.W.J.C.No. _____ of 2013

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

And

In the matter of :-

Lambodar Jha Son of Late Bhageshwar Jha,
Resident of Village-Rampur, Police Station-Murliganj
District-Madhepura.

..... Petitioner.

Versus

1. The State of Bihar through Principal Secretary,

Human Resources Department, Government of Bihar,

Patna.

2. The Director, Secondary Education, Government of Bihar, Patna.

3. District Magistrate, Madhepura.

4. District Education Officer, Madhepura.

5. President of Governing Body of L.P.M.College, Murliganj, District-Madhepura.

6. Principal, L.P.M.College, Murliganj, District-Madhepura.

7. Secretary, L.P.M.College, Murliganj, District-Madhepura.

..... Respondents.

To,

The Hon'ble Ms. Justice Rekha M. Dohit,

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 is an application for
issuance of an appropriate in the nature of Mandamus
direction to the Respondents to make payment of Arudan
amount of year 2009, 2010, 2011 and 2012 and any other
appropriate writ, order, direction save and except
in accordance with law.

2. That the petitioner is the citizen of
India and lives within territorial jurisdiction of
this Hon'ble Court.

3. That L.P.M. College, Murliganj, Madhepura
is an unaided College established in the year 1981.

State Government has granted affiliation to the aforesaid College.

4. That the petitioner was appointed on the 1st post of Lecturer in Rural Economics on 21.12.1981 by competent authority after following selection procedure.

A true copy of the appointment letter dated 21.12.1981 is annexed herewith and marked as Annexure-'1' to this application.

5. That the petitioner gave his joining on 23.12.1981 on the 1st post of Lecturer in Rural Economics at L.P.M. College, Murliganj, Madhepura and his joining has been accepted.

A true copy of Joining Report dated 23.12.1981 is annexed

herewith and marked as

Annexure-2' to this application.

6. That earlier in the College Rural Economics is necessary subject, thereafter State Government decided not to continue Sub Rural Economics in the College and in its place Sub Economics was allowed then the petitioner was adjusted in Economics subject by the authority concerned and at that time of sending the list to the State Government petitioner's name shown in Economics subject.
7. That the petitioner regularly took the class of Economics among students of the College very sincerely and delegendly and no any complain was raised against him during his service period.
8. That in the year 2008 the State Government decided to pay Amudan amount to the teaching and non

teaching employees of unaided College and directed the all College authorities to send the list of teaching and non teaching employees.

9. That the College sent the list of teaching and non teaching employees of the aforesaid College to the State Government in which list the name of petitioner appeared in the list of Teaching employees of the College since College authority has not given the list so petitioner is unable to attach the same, if notice will issue the College authorities they produce the same before Hon' ble Court.

10. That the State Government released the Anudan amount to the College for payment of Teaching and non teaching employees.

11. That the petitioner was paid for the year 2008 Rs.40,000/- only as Anudan amount by the Principal of the College which is very less amount

then other teaching employees. Teaching employees
Krishnadeo Prasad Yadav was paid Rs.1,80,000/-, Shakti-
man Singh was paid Rs.1,56,000.00, Chhote Lal Pandit
was paid Rs.1,56,000.00, Subin Kumar Sinha was paid Rs.
1,56,000/- Praveen Kumar Pathik was paid Rs.1,50,000/-
Prabhat Kumar Prabhakar was paid Rs.1,50,000/- and so
many other teaching employees got more than one Lacs
Rupees but in case of the petitioner he is also teach-
ing employees was paid only Rs.40,000/- which shows
malafide intention of authority concerned.

12. That the petitioner complained before
Respondent No.5 to 7 regarding less payment, but no
step has been taken.

13. That the State Government sent Anudan
amount of year 2009 to the aforesaid College for
payment to teaching and non teaching employees of the
College.

14. That other teaching and non teaching employees of aforesaid College were paid Anudan amount of year 2009 but the petitioner was not paid the amount of year 2009.

15. That the petitioner requested the Respondent No. 4 to 6 for payment of Anudan amount of year 2009 but no payment has been made.

16. That the petitioner retired on 30.4.2012 from the post of Lecturer from L.P.M. College, Murliganj Madhepura.

17. That after retirement the petitioner requested the Respondent authority for payment of amount but no payment has been made till date.

18. That the petitioner gave representation dated 3.8.2013 to District Education Officer, Madhepura

requesting for making payment of Anudan amount but till date no payment has been made.

A true copy of representation dated 3.8.2013 is annexed herewith and marked as Annexure-' 3' to this application.

19. That the petitioner gave representation dated 16.8.2013 to Director, Higher Secondary Education, Government of Bihar, Patna requesting for making payment of Anudan amount of year 2009, 2010, 2011 and 2012 but no payment has been made to him till date.

A true copy of the representation dated 16.8.2013 is annexed herewith and marked as Annexure-' 4' to this application.

20. That the petitioner requested the authorities concerned several times for payment of Arudan amount, but till date no payment has been made.

21. That the petitioner has serving the College from 1981 to 2012 till retirement at about 32 years and in 32 years he got only Rs.40,000/- and for rest dues amount he is moving pillar to post.

22. That action of Respondent authority is arbitrary, malafide, indiscriminate and malicious.

23. That the petitioner has no any other alternative and efficacious remedy other than by way of this application.

24. That the petitioner has not moved earlier before Hon'ble High Court for the reliefs as prayed in Para-1 to this application.

It is, therefore, prayed that

- 11 -

your Lordships may graciously be
pleased to admit this application,
issue Rule NISI, calling upon the
Respondents and after hearing the
parties be pleased to allow this appli-
cation and grant a reliefs as prayed in
Para-1 to this application.

And/Or

Pass such other order or orders as your
Lordships may deem fit and proper.

And for this, the petitioner shall ever pray.

Annexure-'1'

Office, L.P.M.College, Murliganj
Madhepura.

Letter No.08/81

Dated 21.12.81.

From: Secretary,
L.P.M.College, Murliganj
Madhepura.

Subject:- Appointment.

To,

Shri Lambodar Jha
At Rampur, P.O. Rampur, Distt. Madhipura.

Dear Sir,

On the basis of the interview held on 25.09.81
you are hereby appointed to the post of lecturer in the
post of Rural Economics against First Post.

You are requested to join the post immediately.

Yours faithfully,
Sd/- Illegible
Secretary
L.P.M.College, Murliganj (Madhepura)

अ नंबर - 2

सेवा में,
श्रीमान प. धानाचार्य महोदय ,

एल. पी. एम. महाविद्यालय मुरली गंज मधेपुरा ।

विषय :- ग्रामीण अर्थशास्त्र विषय के व्याख्याता पद पर योगदान के संबंध में ।

महाशय ,

विवेचन करना है कि सचिव पंडित श्रीमान एल. पी. एम. महाविद्यालय मुरली गंज, मधेपुरा के पत्रांक 08/81 दिनांक 21.12.81 के द्वारा ग्रामीण अर्थशास्त्र विषय के प्रथम पद व्याख्याता के रूप में मेरी नियुक्ति की गई है।

अतः श्रीमान से प्रार्थना है कि विषय ग्रामीण अर्थशास्त्र के व्याख्याता के रूप में मैं आज दिनांक 23.12.81 के पुर्वाहिन में योगदान समर्पित कर रहा हूँ।

अतः योगदान स्वीकृत करने की कृपा की जाय ।

विश्वासभाजन

नाम लम्बाट्टर झा

ग्राम रामपुर

पत्रा. 0 रामपुर जिला मधेपुरा

विषय ग्रामीण अर्थशास्त्र पद प्रथम पद

23.12.81

15

अ नं घ र - 3 •

सेवा मे,

श्री मान जिला शिक्षा पदाधिकारी मधेपुरा

विषय :- राज्य सरकार द्वारा वितरण हेतु प्रदत्त अनुदान की राशि का मुगता न नही किये जाने के संबंध में।

महाशय ,

सा गृह निवेदन किम्पन प्रकार है :

मै एल. पी. एम. महाविद्यालय मुरली गंज मधेपुरा मे अर्थशास्त्र विभाग के व्याख्याता पद पर विगत 30 वर्षों से कार्यरत था मुझे महा विद्यालय की ओरसे अनुदान की राशि मात्र 40,000 जी 2008 ई0 की श्री छाता द्वारा प्राप्त हुई।

वर्ष 2009 की अनुदान राशि का वितरण मनमाने ढंग से किया गया तथा अप्रैल 2012 तक कार्यरत रहने के बावजूद मुझे अभी तक एक रुपये का मुगता न नही किया गया ।

मेरा पृथाना कार्य से कई बार झूठे बारे मे सम्पर्क किया , लेकिन कोरा आश्वासन देते रहे, परिवार की आर्थिक स्थिति खराब है मेरी पत्नी बीमार चल रही है, चिकित्सा के लिये मे राशि जुटा नही पा रहा हूँ।

मै 2012 अप्रैल से सेवा निवृत्त हो चुका हूँ, अतः उपरोक्त समय तक प्राप्त अनुदान की राशि पानेका हकदार मै हूँ।

अतः श्री मान से निवेदन है कि वस्तु स्थिति की जांच स्वयं पदाधिकारी या स्वयं करके अपने स्तरसे उचित आदेश देने की कृपा की जाय ता कि मेरे साथ न्याय हो सके इसके लिए मै आजीवन श्रीमान का आभारी रहूँगा ।

विश्वासी

ह0 अतपण्ट

सेवा नि0 व्याख्याता

एल.पी. एम. कालिका मुरली गंज मधेपुरा

3-8-13

16

अ नंबर - 4.

सेवा में,
निदेशक,
उच्च मा० शिक्षा
बुद्ध मार्ग पटना - 1

विषय :- राज्यसरकार द्वारा वितरण हेतु प्रदत्त अनुदान की राशि का
मुग्तान नहीं किये जाने के संबंध में।

महाशय ,
सागुह निवेदन निम्न प्रकार है :-

मैसर्स. पी. एम. महा विद्यालय सुरती गंज मधुपुरा ॥ में अर्थशास्त्र
विभाग से व्याख्याता कैम्प पर विगत 30 वर्षों से कार्यरत था । माह
महा विद्यालय की ओरसे 2008 ई० वाली अनुदान की राशि में से
मुझे ठांता द्वारा 40,000 मात्र पालीस हजार रु० प्रदान हुए ।

वर्ष 2009 की अनुदान की राशि का वितरण
मनमाने ढंग से किया गया तथा अप्रैल 2012 तक कार्यरत रहनेके के
बाद मुझे अभी तक एकभी रुपये का मुग्तान नहीं किया गया है।

मैंने प्रधानाचार्य से कई-कई बार झुंझारे में
सम्पर्क किया लेकिन वे कौरा आश्वासन देते रहे मेरे परिवार की
आर्थिक स्थिति खराब है मेरी पत्नी बीमार चल रही है। चिकित्सा
के लिये राशि में नहीं जुटा पा रहा हूँ।

17

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मै अमैत 2012 मे सेवा निवृत हो चुका हू, अतः उपरोक्त समय तक प्राप्त अनुदान की राशि पाने का मैभी हक्कार हू,।

मैने इस शाशय से संबंधित आवेदन जिला शिक्षा पदाधिकारी मधेपुरा को भी दिया है, परंतु अभी तक राशि मुगतान की दिशा मे कोई कारवाइ नहीकीगइहे।

अतः श्री मान से निवेदन है कि वस्तु स्थिति कीजांच का आदेश देते हुए मुझे न्याय दिलाया जाय ।

दिनांक 16-8-2013

विशवाती

सेवा निवृत व्याख्याता

एल.पी. एम. कालेज मुरलीगंज

मधेपुरा

16-8-13

वर्तमान पता

सम्बोदर झा ग्रामपौ० रामपुर भाया मुरलीगंज

जिला मधेपुरा पिन 852122

अनुलेखनक- 1- जिला शिक्षा पदाधिकारी मधेपुरा भि.व. को/प्रतिवेदनपत्र

आवेदन कीलाबा प्रति।