

(2006) 06 PAT CK 0062
In the Patna High Court
Case No : CWJC No. 5161 of 2006

Hari Kishore Sinha

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 14-06-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 3 PLJR 232

Hon'ble Judges : J.N. Bhatt, C.J

Bench : Single Bench

Advocate : Arun Kumar, for the Appellant; Ram Bilash Mahto, for the Respondent

Final Decision : Allowed

Judgement

Dr. J.N. Bhatt, C.J.—Upon the matter being called out, learned counsel appearing for the parties are present. It is, really, very distressing and surprising that a person who has been engaged in National Rural Employment Programme as an Assistant Engineer is not paid due and payable salary for the period from July, 2005 to February, 2006 and arrears of Dearness Allowance from January 2004 to April, 2005, as also, the arrears of difference of salary due from January 2005 to February, 2005. Therefore, he has been constrained to knock the doors of justice by invocation of the provision of Article 226 of the Constitution of India.

2. A person who is engaged in National Rural Employment Programme which is meant for providing employment to the unemployed one is not paid salary and other incidental benefits for such a long time. Prima facie, this is nothing but a gross indifferenceness and apathetic attitude on the part of the Officers and the administration. It is, therefore, the matter has been taken up for final hearing today itself upon a joint request.

3. Learned counsel appearing for the State has not disputed the amount claimed. He has simply stated that the liability is on the part of District Rural Development Authority, Saharsa instead of Deputy Development Commissioner, Saharsa. The

bills for payment submitted by the petitioner to the Treasury have not been, also, accepted. As a matter of fact and decidedly, the salary is nothing but a debt on the Government. It is not understood why a duly recruited qualified Engineer has to run from pillar to post even for his salary.

4. Since virtually there is no dispute on factual aspect there is a fit case for giving direction to the respondent No. 3, the Commissioner-cum-Secretary, Rural Development Department, Government of Bihar to see that the rightful due and payable amount of salary and other allowances available and payable to the petitioner on account of his having rendered the services upon appointment should be paid by the authority concerned. Respondent No. 3. therefore, is directed to appropriately give instruction to the authority concerned in the District of Saharsa for payment of legitimate arrears towards salary and allowances and other incidental permissible benefits to the petitioner within a period of two months from today and learned counsel appearing for the State is instructed to intimate in writing to respondent No. 3 about this direction so that necessary action can be started right in time. The Registry is, also, directed to send a copy of this order to the Commissioner-cum-Secretary, Rural Development Department, respondent No. 3 immediately.

5. Consequently, this petition shall stand allowed with cost which is quantified at Rs. 5000/-. Rule is made absolute.