

(2004) 12 PAT CK 0017
In the Patna High Court
Case No : CWJC No. 14230 of 2003

Prakash Chandra and Others

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 07-12-2004

Acts Referred:

Citation : (2005) 1 PLJR 339

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Judgement

V.N. Sinha, J.—Petitioners are employed under unemployment token allowance scheme. Their grievance is that they are not being paid the salary and allowance under the aforesaid scheme on month to month basis. In this connection, they refer to the orders of this court dated 10.12.2002 passed in C.W.J.C. No. 9050 of 2002 Shiv Shankar Prasad and others vs. The State of Bihar (Annexure-12) where under this court directed the State respondents to clear the arrears/current salary of the petitioners who were the employees under the said scheme within a period of four months and thereafter to pay them on month to month basis till they continued to be employed under the Scheme. Learned counsel with reference to the averments made in the counter-affidavit duly affirmed by Assistant Director of Employment, Bihar, Patna states that the State respondents have not paid the petitioners and others their arrears of salary/current salary under the Scheme with effect from March, 2004 and to avoid further non-payment their case should be considered for regularisation on Class-III post in the Collectorate at Sitamarhi in the light of the recommendation of the Collector, Sitamarhi bearing letter No. 32 Headquarter dated 17.2.2000, Annexure-8. On the other hand, learned State counsel with reference to his aforesaid counter-affidavit has submitted that pursuant to the recommendations of the Collector dated 17.2.2000 Annexure-8 funds were made available and petitioners and others were paid until February, 2004. He further submitted on the basis of the averment made in paragraphs, 14 and 17 of the counter-affidavit that the Scheme is under non-planned head, and as such, requires annual extension and

presently the extension matter for the year 2004-2005 is pending consideration of the government as the government has already decided to continue with the un-employment token allowance scheme. In view of the rival submissions of the parties I propose to dispose of the writ petition with a direction to the petitioners to file representation along with a copy of this order before the Secretary, Personnel and Administrative Reforms of the State Government to consider their case in the light of the recommendations of the Collector, Sitamarhi bearing letter No. 32 headquarter dated 17.2.2000, Annexure-8 and the directions of this Court contained in order dated 10.12.2002, Annexure-12 so that petitioners are paid arrears/current salary under the scheme on month to month basis otherwise they should be considered for absorption on Class-IIIrd posts in the Collectorate at Sitamarhi as has been recommended by the Collector under letter dated 17.2.2000, Annexure-8. In the event the said representation is filed the Secretary, Personnel and Administrative Reforms, Government of Bihar shall dispose of the same within a period of two months from the date of receipt of the representation along with a copy of this order and shall ensure that the petitioners are paid their arrears of salary within the aforesaid period.

2. With the aforesaid observation the writ application is disposed of. No cost.