

(2001) 07 PAT CK 0001
In the Patna High Court
Case No : C.W.J.C. No. 7909 of 2001

Ram Pati Mishra and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 02-07-2001

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2001) 2 BLJR 1502 : (2001) 3 PLJR 462

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Judgement

Narayan Roy, J.—Heard Mr. Ram Balak Mahto, learned Senior Counsel appearing on behalf of the petitioners, and JC To AAG II for the State.

2. Orders, as contained in Annexures 8 and 9, are under challenge.

3. It is submitted by learned Counsel appearing on behalf of the petitioners that the authorities without enquiring into the matter as to whether the petitioners were appointed validly in consonance with Articles 14 and 16 of the Constitution, directed not to take work from them and not to pay them salary. It is further submitted by learned Counsel for the petitioners that the petitioners are appointees on Class IV posts of the year 1964 and subsequently, they were regularised pursuant to direction of this Court, as contained in Annexure-3. Now, all of a sudden, directions have been issued asking them not to take work from them and not to pay their salary.

4. JC to AAG II, on the contrary, submitted that a large number of irregularities have been found in Chapra Division and a large number of persons were illegally appointed by the authorities of the Health Services, and therefore, directions have been issued not to take work and not to pay their salary to such employees.

5. From the order as contained in Annexure-9, per se it appears that pending inquiries, the authorities have directed not to take work and not to pay salary to the petitioners. In my opinion, the direction aforesaid is wholly unjustified. The

authorities firstly could have proceeded with the inquiry and in case, they would have been satisfied that such employees like the petitioners were not appointed in consonance with the provisions of Articles 14 and 16 of the Constitution of India, they could have issued necessary direction for removing them from service. The procedure adopted by the authorities, therefore, must be held to be wholly unwarranted into law. A large number of cases are everyday coming before this Court against like directions.

6. Considering the facts and circumstances of the case, this application is allowed and the order impugned, as contained in Annexures 8 & 9, whereby and whereunder directions have been issued not to take work from the petitioners and not to pay them salary, are hereby quashed.

7. The authorities, however, will be at liberty to enquire into the matter and come to a logical conclusion and they may take necessary action, if they find that the appointments on Class III and IV posts were not made in consonance with Articles 14 and 16 of the Constitution, they may take decision in accordance with law.

8. This order shall govern all the panding matters in this Court on this point.